

**MOORE COUNTY PLANNING BOARD  
THURSDAY, JULY 2, 2020 6:00 PM  
MOORE COUNTY HISTORIC COURTHOUSE – 2<sup>nd</sup> FLOOR**

**CALL TO ORDER – 6 PM**

**INVOCATION – (Member Volunteer)**

**PLEDGE OF ALLEGIENCE – (Member Volunteer)**

**MISSION STATEMENT – (Member Volunteer)**

**A portion of this meeting is a continuation of the regular scheduled Planning Board Meeting of June 4, 2020.**

**The following Public Hearings were recessed until July 2, 2020 for the Planning Board to make a decision.**

**I. PUBLIC HEARINGS:**

- 1. Unified Development Ordinance Text Amendments – Highway Corridor Overlay District - Debra Ensminger**

**II. APPROVAL OF CONSENT AGENDA**

All items listed below are considered routine and will be enacted by one motion. No separate discussion will be held except by a member of the Planning Board:

- A. Approval of Meeting Agenda
- B. Approval of Minutes of June 4, 2020
- C. Approval of Minutes of June 11, 2020
- D. Consideration of Abstentions

**III. PUBLIC HEARINGS**

- 1. Conditional Rezoning Request: Highway Commercial (B-2) to Highway Commercial Conditional Zoning (B2-CZ) – Shopping Center - Debra Ensminger**
- 2. Conditional Rezoning Request: Residential and Agriculture -40 (RA-40) to Rural Agricultural Conditional Zoning (RA-CZ) – Mining - Dervin Spell**
- 3. Conditional Rezoning Request: Rural Agricultural (RA) to Rural Agricultural Conditional Zoning (RA-CZ) – Pallet Recycling and Production - Dervin Spell**
- 4. Conditional Rezoning Request: Rural Agricultural (RA) to Rural Agricultural Conditional Zoning (RA-CZ) – Warehousing - Dervin Spell**

5. **Conditional Rezoning Request: Residential Agricultural (RA) to Neighborhood Business Conditional Zoning (B1-CZ) – Retail (Firearms and Accessories Sales Facility) - Debra Enslinger**
6. **Unified Development Ordinance Text Amendments – Statutory Updates - Debra Enslinger**

**IV. PLANNING DEPARTMENT REPORTS-Debra Enslinger**

**V. BOARD COMMENT PERIOD - Chairman**

**VI. UPCOMING EVENTS:**

- Tuesday, July 21, 2020 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage
- Tuesday, August 4, 2020 10:30 AM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage
- **Thursday, August 6, 2020 6:00PM Planning Board Meeting to be held at the Historic Courthouse in Carthage**

**III. ADJOURNMENT**

*Special accommodations for individuals with disabilities or impairments will be made upon request to the extent that reasonable notice is **given** to the County.  
Please see attached procedures for the Public Comment Period and public comment during Public Hearing*

**PUBLIC COMMENT PROCEDURES  
MOORE COUNTY PLANNING BOARD**

*The Moore County Planning Board is committed to allowing members of the public an opportunity to offer comments and suggestions for the efficient and effective administration of government. In addition to public hearings, a special time is set aside for the purpose of receiving such comments and suggestions. All comments and suggestions addressed to the Board during the Public Comment Period shall be subject to the following procedures:*

- 1. The Public Comment period will be held at the beginning of the Board meeting. The comment period will be limited to a maximum of thirty minutes*
- 2. Persons who wish to address the Board during the Public Comment Period will register on a sign-up sheet available on the table outside the entrance door to the Meeting Room indicating contact information and topic. Sign-up sheets will be available beginning 30 minutes before the start of the meeting. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*
- 3. Each person signed up to speak will have three (3) minutes to make his/her remarks. Each person signed up to speak will only be entitled to the time allotted to each speaker and one additional time period which may be yielded to him/her by another individual who has also signed up to speak on a particular topic.*
- 4. Speakers will be acknowledged by the Board Chairperson in the order in which their names appear on the sign-up sheet. Speakers will address the Board from the lectern at the front of the room and begin their remarks by stating their name and address.*
- 5. Public comment is not intended to require the Board to answer any impromptu questions. Speakers will address all comments to the Board as a whole and not one individual member. Discussions between speakers and members of the audience will not be allowed.*
- 6. Speakers will be courteous in their language and presentation. Matters or comments which are harmful, discriminatory or embarrassing to any citizens, official or employee of Moore County shall not be allowed. Speaker must be respectful and courteous in their remarks and must refrain from personal attacks and the use of profanity.*
- 7. Only one speaker will be acknowledged at a time. If the time period runs out before all persons who have signed up get to speak, those names will be carried over to the next Public Comment Period.*
- 8. Any applause will be held until the end of the Public Comment Period.*
- 9. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Chairperson.*
- 10. Information sheets outlining the process for the public's participation in Board meetings will also be available in the rear of the Meeting Room.*
- 11. Action on items brought up during the Public Comment Period will be at the discretion of the Board.*

*Adopted on the 4<sup>th</sup> day of February, 2010 by a 8 to 1 vote of the Moore County Planning Board.*

## **MOORE COUNTY PLANNING BOARD PUBLIC HEARINGS PROCEDURES**

*The Moore County Planning Board serves the public as well as the Board of Commissioners. During each public hearing a special time has been set aside for the purpose of receiving comments and suggestions. To insure that comments and suggestions are productive and not unnecessarily long, procedural rules for conducting public hearings are necessary. The following procedural rules will be utilized during public hearings of the Moore County Planning Board:*

- 1. Anyone who would like to address the Board during a public hearing should register on the appropriate sign-up sheet indicating their name and address. Sign-up sheets will be available on the table outside the entrance door to the Meeting Room 30 minutes before the start of the meeting. Information sheets outlining the process for the public's participation in Board meetings and public hearings will also be available. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*
- 2. Each speaker will be called by the Chairman to the lectern, will state their name and address clearly into the record before providing their comments.*
- 3. Speakers will address all comments to the Board as a whole and not to any one individual member. Speakers will be respectful, courteous, refrain from personal attacks and the use of profanity.*
- 4. Any applause will be held until the end of the public hearing.*
- 5. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Secretary.*
- 6. Action on items brought up during the public hearing will be at the discretion of the Board.*

*Adopted on the 5<sup>th</sup> day of May, 2011 by a 9 to 0 vote of the Moore County Planning Board*



**MEMORANDUM TO THE PLANNING BOARD**

**FROM:** Debra Ensminger  
Planning & Transportation Director

**DATE:** June 5, 2020

**SUBJECT:** Unified Development Ordinance Text Amendments –  
Highway Corridor Overlay District

**PRESENTER:** Debra Ensminger

**REQUEST**

Moore County Planning Staff is requesting the following text amendments to the Moore County Unified Development Ordinance to amend the design standards for the Moore County Highway Corridor Overlay District.

**Background:**

The Moore County Planning Board considered this request during the June 4, 2020 meeting. Discussions and recommendations were noted and are highlighted within this staff report.

This item was recessed until the Moore County Planning Board regular scheduled meeting on July 2, 2020.

**Unified Development Ordinance Text Amendments – Highway Corridor Overlay District**

**Bold Text** – additions to the ordinance

~~Strikethrough Text~~ - deletions from the ordinance

1. AMEND Chapter 3 (Intent of Zoning Districts), Section 3.16 (Highway Corridor Overlay District), as follows:

**3.16 Highway Corridor Overlay District**

In order to promote the general health, safety, and welfare of the community, to protect the rural character and natural environment of the area, and to provide attractive highway corridors and gateways to our communities, the Highway Corridor Overlay District is created. The Highway Corridor Overlay District (HCOD) is intended to maintain or enhances the natural scenic beauty of designated corridors viewed by travelers. The Highway Corridor Overlay District is established as a district which overlays the zoning in every district along either side of US 1 Highway (from Southern Pines ETJ north to Cameron's ETJ and south from Pinebluff's

ETJ to the Richmond County line), US 15/501 Highway between Pinehurst and Carthage, from Aberdeen to the Hoke County line, and from Carthage to the Lee County line, NC 22 Highway from US 15-501 intersection at Carthage to Southern Pines, **NC 24-27, NC 690**, and NC 211 Highway from Pinehurst to Montgomery County line (including the Seven Lakes Village Business District). The HCOD does not include any municipal zoning jurisdictions. Two ~~Three~~ HCOD districts have been established. Wherever standards of the underlying zoning district differ from the watershed overlay standards, the more restrictive provisions shall apply.

- A. Rural Highway. The Rural HCOD overlays the zoning along portions of the following roadways as depicted on the official zoning map, not including any municipal zoning jurisdiction: US 1 Highway, **NC 690, and NC 24-27**. ~~US Highway 15/501, NC 22 Highway, and NC Highway 211. Commercial, Industrial and Office Professional elements along these corridors shall be intermittent and clustering of these elements is encouraged at appropriate centralized locations.~~ **This district's goal is to provide compatible transitions between differing land uses, enhance the natural environment, and retain the existing rural character of Moore County.**
- B. Urban Transition. The Urban HCOD overlays the zoning along portions of the following roadways as depicted on the official zoning map, not including any municipal zoning jurisdiction: US 1 Highway, US Highway 15/501, **NC 22 Highway**, and NC 211 Highway. ~~There shall be a balance of residential, recreational, commercial, industrial and office professional uses. These highway sections are best suited for providing a balance of naturalized and manmade conditions.~~ **This district's goal is to improve property, support the natural conditions, and keep in visual character and appearance of the nearby Towns. The Sandhills and Longleaf Pine are unique within North Carolina and these elements are of economic value to the Towns and make it a desirable place for both residents and visitors.**
- C. Urban/Village. ~~The Urban/Village HCOD overlays the zoning along a portion of the following roadway as depicted on the official zoning map: N.C. 211 Highway. This district allows for denser land use patterns for commercial and residential development; however, the visual aspects of the development along these corridors shall be defined by an emphasis on landscape elements.~~

- 2. AMEND Chapter 7 (General Development Standards), Section 7.8 (Highway Corridor Overlay District), as follows:

## **7.8 Highway Corridor Overlay District**

- A. Applicability: New Development. All new building construction and major subdivisions within the Highway Corridor Overlay District (**400 feet from the ROW lines**) shall comply with the regulations of this section. If there are more restrictive standards elsewhere in the UDO those standards shall be followed.
- B. Existing Development. ~~Expansions of 500 square feet or more and any change of use as defined by the NC Building Code shall comply with the regulations of this chapter. In~~

these cases, the Administrator shall determine the level of compliance technically feasible, excluding the removal of asphalt. If the total renovations, maintenance, and/or repairs to an existing building within a 5 year period enlarge the footprint 50% or more or collectively cost more than 50% of the tax value as recorded in the county tax record at the date of application, the entire lot shall comply with the requirements of this Section. Such developments shall be required to meet the minimum requirements set forth to the fullest extent technically feasible, excluding the removal of asphalt.

C. Exemptions. Single family (not including manufactured homes), duplexes (not including multi-family) and their accessory buildings and uses, ~~any building expansions less than 500 square feet, and utility structures.~~ Developed lots in the Village Business Zoning District are exempt from building and parking setbacks and landscaping standards.

D. Extension. Refer to Section 7.11(F).

E. Maintenance and Changes. ~~Maintenance and changes to exterior existing building elements and facades for development less than 50% of tax value will apply only to the specific change.~~ Maintenance, changes to exterior existing buildings elements and facades of 50% or more of the building shall comply with the standards adopted in this Chapter. The passage of time shall not remove this requirement for review and approval if changes in design, including color, are proposed for any building, built prior to or after the adoption of this Chapter, within the County which is subject to these provisions.

F. Minimum Lot, Buildings, and Screening Standards.

	Urban Village	Urban Transition	Rural Highway
District Boundaries from ROW lines	300 feet	400 feet	500 feet
Front Building Setback from highway	50 feet	75 feet	75 feet
Front Parking Setback from highway	30 feet	50 feet	50 feet
Building Setback from Residential Districts	25 feet	50 feet	50 feet
Building Setback from Non-Residential Districts	5 feet	25 feet	25 feet
Maximum Built Upon Surface	70%	70%	70%
Maximum Building Height	35 feet	35 feet	35 feet
Required Buffer Plantings from ROW line	Type 3 Screening (Section 7.11)		

G. Screening Standards. The Screening standards of this Section shall apply to any expansion of a parking lot by 10 or more parking spaces. If there is a change of use in a principal building the lot shall comply with screening standards. Sites that have ceased operation for more than 180 days shall comply with the current screening standards.

H. Prohibited Uses.

1. Urban Transition. Accessory Manufactured Home, Manufactured Home, Personal Workshop / Storage Building, Manufactured or Modular Home Sales, all uses listed under “Adult Uses” including Adult Gaming Establishments, Bars/Tavern, Brewery/Winery, Dance Club, Night Club, Billiard, Distillery, Massage & Bodywork Therapy Practice (Unlicensed), Pawn Shop, Sexually Oriented Business, Tattoo Parlor, and Body Piercing, and “Waste Related Services” including Debris Management Facility, Hazardous Waste/Toxic Chemicals Disposal or Processing, Landfill, Mining/Quarry Operation, and Salvage Yard, Cemetery or Mausoleum/Commercial, Family Cemetery, High Impact Outdoor Recreation, Indoor Shooting Range, Outdoor Shooting Range, Zoo/Petting Zoo, Contractors Storage Yard and Office, Wireless Communication Facility, Mini-Warehouse (Self-Service), Warehousing and/or Distribution Center, and Debris Management Facility.
2. Rural Highway. Accessory Manufactured Home, Manufactured Home, Sexually Oriented Business, ~~Indoor Shooting Range~~, Outdoor Shooting Range, and all uses listed under “Waste Related Services” including Debris Management Facility, Hazardous Waste/Toxic Chemicals Disposal or Processing, Landfill, Mining/Quarry Operation, and Salvage Yard.

I. Conditional Zoning Uses.

1. Urban Transition. Group Care Facility, All uses listed under “Vehicle Services” including Boat & RV Storage, Car Wash or Auto Detailing, Commercial Truck Wash, Parking Lot as Principal Use of Lot, Taxi Service, Vehicle, Auto Parts, Tires, Farm Equipment, Boat, RV – Sales Rental or Service, Vehicle Service Station (Gas Station), and Vehicle Wrecker Service, and Commercial buildings in excess of 10,000 square feet.
2. Rural Highway. Group Care Facility, All uses listed under “Vehicle Services” including Boat & RV Storage, Car Wash or Auto Detailing, Commercial Truck Wash, Parking Lot as Principal Use of Lot, Taxi Service, Vehicle, Auto Parts, Tires, Farm Equipment, Boat, RV – Sales Rental or Service, Vehicle Service Station (Gas Station), and Vehicle Wrecker Service, and “Adult Uses” including Adult Gaming Establishments, Bars/Tavern, Brewery/Winery, Dance Club, Night Club, Billiard, Distillery, Massage & Bodywork Therapy Practice (Unlicensed), Pawn Shop, Tattoo Parlor, and Body Piercing, Low Impact and High Impact Outdoor Recreation, Mini-warehouse (Self-Service), Manufactured or modular home sales, ~~Indoor Shooting Range~~, and Commercial buildings in excess of 50,000 square feet.

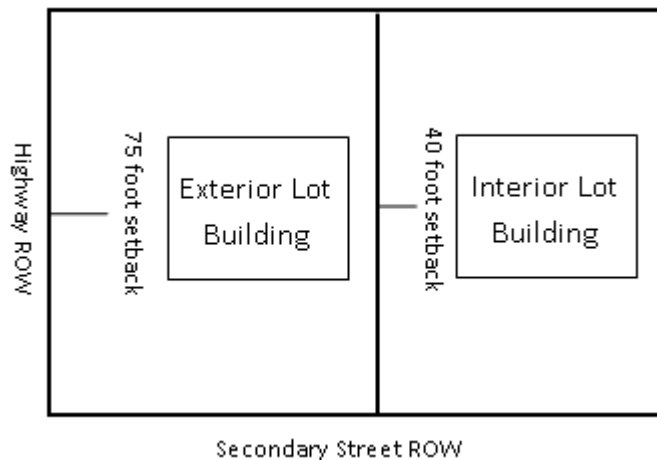
- J. Storm Water Management. A Stormwater Management Plan shall be required as part of the application submittal. The Stormwater Management Plan and all stormwater control measures shall be designed by a state registered professional, shall meet the most current edition of the North Carolina Department of Environmental Quality’s (NCDEQ) Stormwater Design Manual, and shall be supported by the appropriate

calculations, plan sheets, grading plans, planting plans and details and specifications. The post development peak flow discharged rates shall not exceed the pre-development peak discharge rates for all storms up to and including the 25 year, 24 hour event. Prior to a Certificate of Occupancy, the applicant shall confirm the completed project is in accordance with the approved stormwater management plan, certified by a state registered professional, and shall submit “as-built” plans for all stormwater management measures after final construction is complete.

## K. Building Standards

### 1. Setbacks

- a. The front building setback from the highway ROW is 75 feet. The building setback for internal lots with access to an internal street ROW shall be 40 feet.
- b. The building setback from residential districts is 50 feet.
- c. The building setback from non-residential districts is 25 feet.



### 2. Building Design - Design standards required in the Urban Transition COD only.

- a. Entrances. Principal building entrances shall be oriented to public streets or towards the corners of streets.
- b. Utilities. Utility services shall be located underground. Wooden poles are prohibited.
- c. Wall Materials. Exterior walls shall be at least 60% glass, brick, stone, cementitious siding, and wood clapboard siding on all sides of the building. Pitched roofs shall be clad in wood shingles, standing seam metal, slate or asphalt shingles. ~~Manufactured, mobile, portable storage units, and metal units are prohibited, except for temporary construction, sales trailers, or storage uses during construction.~~ Brick veneers, Corrugated metal, plywood, particleboard, untreated wood, and similar material are prohibited.
- d. Maintenance. All exterior surfaces, which have or have not been painted, shall be maintained free of peeling or flaking paint or stucco. Rotten or weakened portions shall be removed and/or replaced to match as closely as possible the original patterns.
- e. Façade Colors. Façade colors shall be of low reflectance earth tone, muted, or subtle or neutral colors. Building trim may feature brighter colors, but neon

tubing is not allowed as an accent material. The use of high-intensity, bright, metallic, fluorescent or neon colors are prohibited.

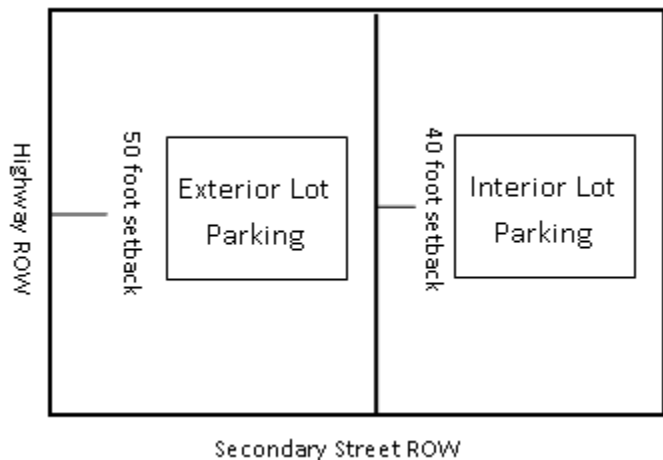
- f. Windows. Except for civic and industrial buildings, a window or functional general access doorway shall be located along the length of the façade at least every 20 feet of the first floor on ROW fronting facades. Windows shall be visually permeable.
- g. Accessory Buildings and Shopping Centers. All accessory buildings and structures shall be of similar design, materials, and color as the principle structure. All accessory structures are not permitted in the front yard.

### 3. Height

- a. The maximum building or structure height shall not exceed 35 feet.
  - b. All mechanical, electrical, communications, and service equipment, including satellite dishes shall be set back from the edge of the roof a minimum distance of 1 foot for every foot the feature extends above the roof surface. Screen or parapet walls shall be constructed to the height of any fixture taller than 3 feet in height that would be visible from a street or residential abutting property.
  - c. Flagpoles and similar devices shall be limited to 35 feet in height.
- L. Fences. Fences may be used for side and rear yards only. In addition to Type 1 standards the following shall apply: Chain link fences shall be vinyl coated of a neutral color such as green, brown, or black. Vinyl and Wood Board / Shadow Box / Solid, is permitted provided that the board width (vertical members) is not less than 4 inches nominal and not more than 10 inches nominal. Wood fences greater than 4 feet in height are required to have a minimum of 3 horizontal rails (does not apply to vinyl fences).

### M. Parking

- 1. Setback. Front parking setback from highway ROW line is 50 feet. The parking setback for internal lots with access to an internal street ROW shall be 40 feet.



- 2. Location. A development with 75 or fewer parking spaces shall have a maximum of 2 rows of parking spaces between any street and the front elevation of a building. All other parking must be located on the side or rear of the building. Developments with more than 75 parking spaces must have parking on at least 3 sides of the building with not more than 30% of the parking spaces located in the front of the building.
- 3. Paving. Paving is required in the Urban Transition COD only. Suitable paving materials for required parking and driveway areas include, but are not limited to:



asphalt, porous asphalt, porous paving blocks, and concrete. The use of grass is permitted for satellite parking areas.

4. **Striping**. Striping is required in the Urban Transition COD only. The individual parking spaces in a lot shall be delineated in all parking lots except those utilizing road bond, gravel, or grass surfacing.
5. **Curbing**. Curbing is required in the Urban Transition COD only. Each parking space shall be provided with curbing or a tire stop.
6. **Maintenance**. Parking areas shall be maintained to provide for vehicle access and shall be kept free of litter, debris, outdoor display and sales and material storage, including portable containers.
7. **Service Areas**. Parking for service vehicles and loading areas shall be designated, located and screened with Type 1 or Type 2 Screening to minimize the view from adjacent properties and right-of-ways, at the rear of the buildings.
8. **Compact Spaces**. Up to 20% of the total number of spaces required may be provided by compact or alternative transportation spaces, no less than 8 feet in width. Parking may also accommodate electric vehicle charging stations.
9. **Storage**. The parking area may be used only for parking and not for any type of loading, sales, dead storage, or repair work.
10. **Stacking**. Where drive-thru or drive-up facilities are provided, space shall be provided to accommodate not less than three cars per stacking lane.

#### N. **Access**

1. Access standards are required in the Urban Transition COD only. Within a development, safe and easy-to-use circulation is an important design principle. All adjoining parcels serving (or potentially serving) non-residential or multifamily uses shall be interconnected as follows:
  - a. **Interconnectivity**. All parking lots shall dedicate access easements and provide interconnectivity to adjoining properties. The connection is at least 20 feet wide. If applicable, the connection aligns with a connection that has been previously constructed on an adjacent property.
  - b. **Street Frontage**. Any lot that is to be created or any existing lot on which a structure is to be erected or a use to be established shall be accessible



to a public or private street right-of-way. Access through easements is not permitted.

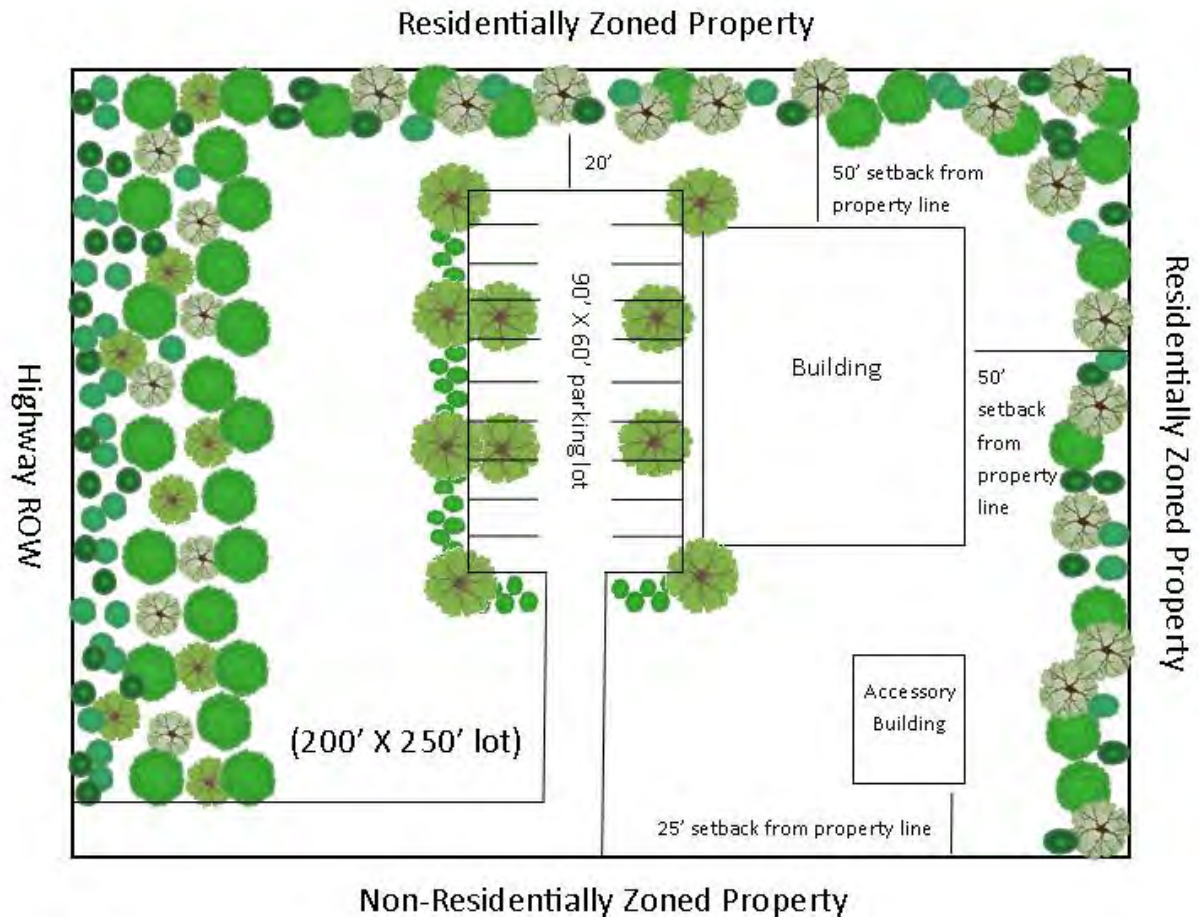
- c. Driveways. The maximum driveway width is 36 feet. The maximum number of driveways per lot is 2. Where two (2) or more driveways are located on the same lot, the minimum distance between such drives shall be thirty (30) feet. The minimum distance from an intersection or adjoining driveway is 100 feet, except in the case where no other lot access to a street is available. Common driveways on adjoining lots are recommended.

- O. Screening along Highway. The required buffer planting from the ROW lines shall be a 50 foot wide buffer ~~10 long leaf pines,~~ 8 18 trees (at least half evergreen), and 25 shrubs per 100 linear feet of buffer area. New or supplemental trees shall be planted with the intent to grow to 10 feet within 5 years. New or supplemental shrubs shall be planted with the intent to grow to 5 feet within 5 years. Vegetation shall be distributed along the entire length and width of the planted buffer. A mixture of plant types are recommended to mitigate the spread of disease.

P. Vehicular Use Screening

- a. Perimeter Parking Screening. Perimeter parking screening is required in the Urban Transition COD only. New or supplemental trees shall be planted with the intent to grow to 10 feet within 5 years. Shrubs shall with the intent to grow to 3 feet within 3 years. All off-street parking, loading areas, and service areas shall be screened from view by use of one or more of the following:
  - a. A building,
  - b. Stone or brick wall (side and rear yards only),
  - c. 1 tree, excluding longleaf pine, per 30 feet and 1 shrub per 3 feet (rounding up),
  - d. Perimeter screening (Type 1, 2, or 3) alongside property lines located not more than 20 feet from parking edge. Refer to fencing standards within this Section for Type 1.





2. **Screening Within Vehicle Use Area.** Screening standards are required in the Urban Transition COD only. In addition to exterior screening requirements, trees shall be installed in planting areas within parking lots to provide shade coverage and break up large areas of impermeable surface allowing areas for water infiltration. New or supplemental trees shall be planted with the intent to grow to 10 feet within 5 years. Planting areas shall meet the following:
  - a. **Trees.** 2 trees, excluding longleaf pine, per 10 spaces of vehicular use area (rounding up). Landscaped areas surrounded by impervious surfaces shall have a minimum width of 9 feet and include a minimum of 150 square feet of open planting area for trees. Trees shall be even distributed throughout the vehicular use area.
  - b. **Shrubs.** 4 evergreen shrubs per 10 spaces of vehicular use area (rounding up).
  - c. **Groundcover.** Each planting shall be landscaped with mulch, groundcover, shrubs, or grass to protect against soil erosion.
  - d. **Barriers.** Barriers, such as wheel stops or 6 inch standard curbs, must be provided between vehicular use areas and landscaped areas.

- Q. Dumpster, Mechanical and Electrical Equipment, Outdoor Storage Screening. All storage facilities shall be located to the rear of the primary building and shielded from any public roadway or adjacent property by means of Type 1 (chained link is prohibited) or Type 2 screening, unless already screened by a buffer yard. Dumpster screening shall be at least 5 feet in height.
- R. Signs. ~~Max pole sign is not above the roofline (30 foot maximum).~~ The maximum height is 6 feet. Sign colors shall be uniform between the ground sign and wall sign. Colors shall be muted. Off-premise signs are prohibited.
- S. Lighting
- a. Dark Sky Illumination. Light source locations shall be chosen to minimize the hazards of glare. The ratio of spacing to mounting height shall not exceed a four to one ratio.
- b. Sign illumination. Electronic changeable message signs are prohibited.
- c. Parking Lot Lighting. The maximum mounting height of illumination is 30 feet from the ground to the light source. Light poles and fixtures shall be a matte or low-gloss grey, black, dark earthen, or bronze finish to minimize glare from the light source.
- d. Exterior Lighting. The maximum average maintained illumination is 3.0 lumens per square feet at the property line. The light source must be white light. The use of laser source light or any similar high intensity light for outdoor entertainment or advertisement is prohibited. Awnings and canopies shall not be illuminated internally.

### **CONSISTENCY WITH THE ADOPTED 2013 LAND USE PLAN**

The Planning Board Consistency Statement which speaks to Land Use Plan goals is included for the Board's review and consideration.

### **RECOMMENDATION**

Staff recommends the Moore County Planning Board make two separate motions:

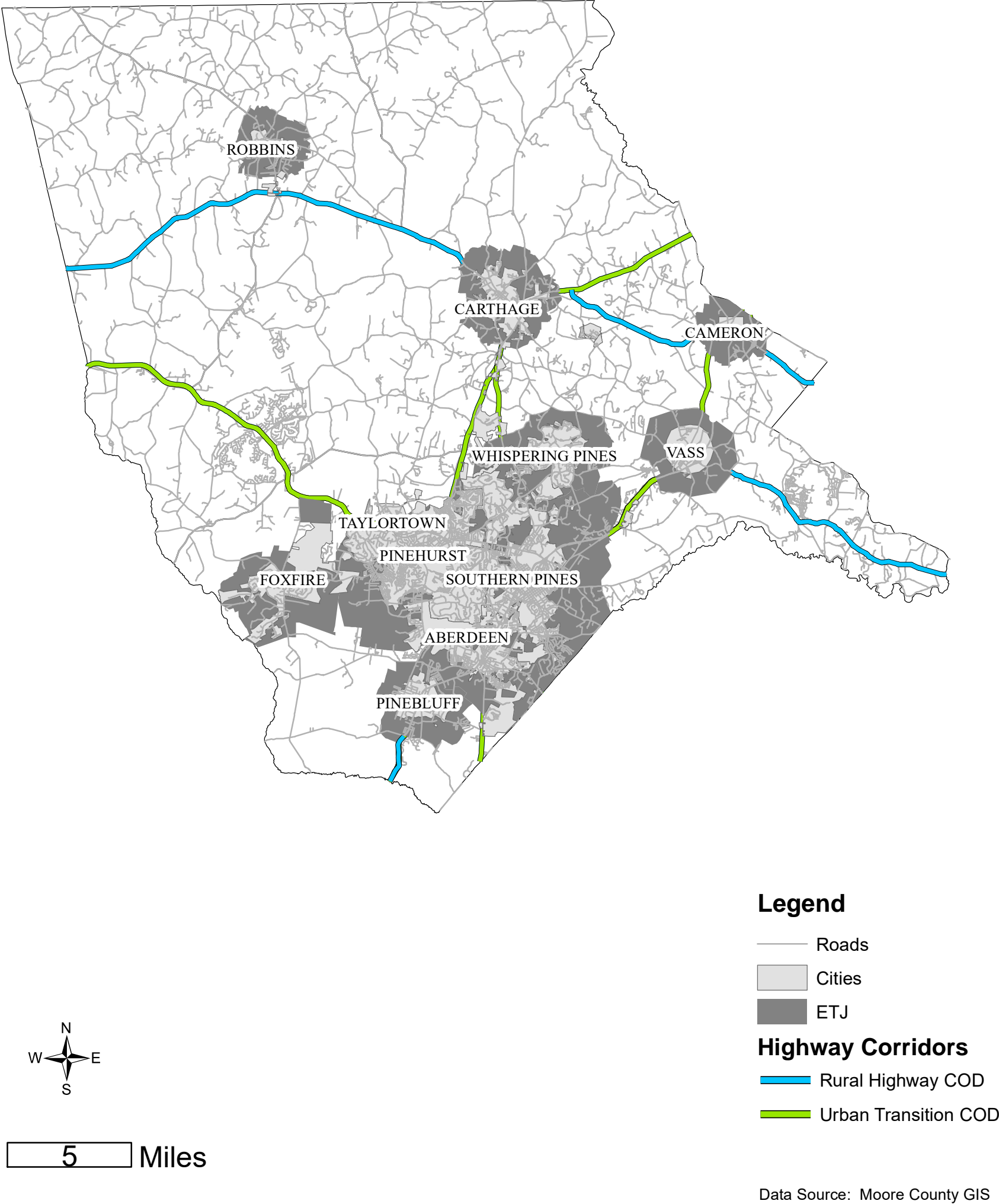
**Motion #1:** Make a motion to adopt the attached Moore County Planning Board Land Use Plan Consistency Statement (Approval) and authorize the Chairman to execute the document as required by North Carolina General Statute 153A-341.

**Motion #2:** Make a motion to recommend approval to the Moore County Board of Commissioners of the proposed text amendments to the Moore County Unified Development Ordinance.

### **ATTACHMENTS**

- Proposed Highway Corridor Overlay District Map
- RLUAC (Regional Land Use Advisory Commission) Review Letter
- Planning Board Consistency Statement – Approval
- Planning Board Consistency Statement – Denial

# Moore County Proposed Highway Corridors





**MOORE COUNTY**  
**Proposed Text Amendments to the Unified Development Ordinance**  
**– Highway Corridor Overlay District**

**March 23, 2020**

The Regional Land Use Advisory Commission (RLUAC) staff and Board of Directors have reviewed all the proposed text amendments for the Highway Corridor Overlay District contained in the Moore County Unified Development Ordinance and find no conflicts with the recommendations contained in the recently completed and adopted 2018 Fort Bragg Joint Land Use Study.

Thank you for allowing RLUAC the opportunity to review these proposed changes.

John K. McNeill, Chairman

Pete Campbell, Executive Director

**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**Text Amendment - Unified Development Ordinance**

The Moore County Planning Board finds that:

1. The text amendment request is consistent with the following goals in the 2013 Moore County Land Use Plan:

GOAL 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around municipalities).

- Recommendation 1.5: Encourage and support development and land use principles by ensuring Moore County's cultural, economical, and natural resources are considered appropriately.

GOAL 4: Provide Information and Seek Citizen Participation:

- Action 4.1.1: Continue to support and implement easy to understand guidelines to incorporate throughout governmental departments.

2. The text amendment is consistent with the Goals listed above due to providing the public with a transparent permitting process.

3. The text amendment is reasonable and in the public interest because the ordinance has been updated to meet current statutory requirements and be more user-friendly for use by the general public and development community.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the text amendments to the Unified Development Ordinance, as proposed.

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Joe Garrison, Chair  
Moore County Planning Board

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Date

**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**Text Amendment - Unified Development Ordinance**

The Moore County Planning Board finds that:

1. The text amendment request is not consistent with the 2013 Moore County Land Use Plan.
2. The proposed text amendment is not reasonable and not in the public interest because the proposed amendment will have an unreasonable impact on the surrounding community.

Therefore, the Moore County Planning Board recommends **DENIAL** of the text amendments to the Unified Development Ordinance, as proposed.

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Joe Garrison, Chair  
Moore County Planning Board

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Date

**MINUTES  
MOORE COUNTY PLANNING BOARD  
THURSDAY, JUNE 4, 2020 6:00 PM**

The Moore County Planning Board convened for a regular meeting at 6:00pm, Thursday, June 4, 2020. Due to the COVID-19 State of Emergency, the meeting was hosted electronically via WebEx.

**Board Members Present (all electronically):**

Joe Garrison (Chairman), Harry Huberth (Vice Chairman), Bobby Hyman, Jeffrey Gilbert, Matthew Bradley, Eddie Nobles, John Matthews, John Cook

**Board Members Absent:** None

**Staff Present (all electronically):**

Debra Ensminger, Planning Director, Tron Ross, Associate County Attorney, Theresa Thompson, Planning Supervisor, Dervin Spell, Planner, Stephanie Cormack, Administrative Officer

**CALL TO ORDER**

Chairman Joe Garrison called the meeting to order at 6:00 pm.

**INVOCATION**

Chairman Joe Garrison offered the invocation.

**PLEDGE OF ALLEGIANCE**

Chairman Joe Garrison led in citing of the Pledge of Allegiance.

**MISSION STATEMENT**

Secretary to the Board Stephanie Cormack read the Moore County Mission Statement.

**PUBLIC COMMENT PERIOD**

There was no public comment.

**APPROVAL OF THE CONSENT AGENDA**

- A. Approval of Meeting Agenda
- B. Approval of Minutes of March 5, 2020
- C. Consideration of Abstentions

Chairman Garrison informed the board of a modification to the agenda, Public Hearing #1 at the request of the applicant this item has been removed from tonight's agenda and will be heard at the July Planning Board Meeting.

Vice Chair Harry Huberth made a motion for approval of the consent agenda with the removal of item #1 from the agenda; Board Member Jeffrey Gilbert seconded the motion, the motion was held via role call; passed unanimously 6-0. John Matthews was not present via roll call at time of vote and John Cook was having technical issues and was dropped from the meeting at 6:16pm.

## **PUBLIC HEARING**

**Public Hearing #1** – Conditional Rezoning Request: Residential and Agricultural-40 (RA-40) to Highway Commercial Conditional Zoning (B2-CZ) -Retail Building – US Hwy 1 / Grant Road - Theresa Thompson

At the request of the applicant this item has been removed from the agenda and will be heard at the July Planning Board meeting.

**Public Hearing #2** – General Use Rezoning Request: Highway Commercial (B-2) to Residential and Agricultural-20 (RA-20) – Love Grove Church Road - Dervin Spell

Planner Dervin Spell presented a request by Pete Mace requesting a General Use Rezoning from Highway Commercial (B-2) to Residential and Agricultural-20 (RA-20) of approximately 13.21 acres (entire portion currently zoned B-2 located to the north of Love Grove Church Road) of an approximate 26.32 acre parcel, located on the corner of Love Grove Church Road and Carthage Road, West End, owned by Johnny & Kathy Harris, per Deed Book 5095 Page 156.

Mr. Spell discussed the items within the packet regarding the request.

With no further questions from the board, Chairman Garrison opened the Public Hearing.

The following spoke during the Public Hearing:

- Margaret Siler: 441 Love Grove Church Rd. West End, NC expressed concerns of the possible financial hard ship to landowners in the area.
- Pete Mace; 170 Pine Barrens Vista Southern Pines, NC the applicant expressed to the board the intent is to keep the property residential.

With no further discussion or Public Comment Chairman Garrison closed the public hearing.

Chairman Garrison advised that the board will accept written comments from the public until 6:29pm (24 hours after the hearing); comments will be accepted by email to [scormack@moorecountync.gov](mailto:scormack@moorecountync.gov); this matter is to be recessed until June 11, 2020; 6:00pm for the board to make a decision. Board Chair Garrison made a motion to recess until June 11, 2020; Board Member Jeff Gilbert seconded the motion, the motion was held via role call; passed unanimously 7-0. John Matthews noted he was on the line and was included in the roll call.

**Public Hearing #3** – General Use Rezoning Request: Highway Commercial (B-2) to Residential and Agricultural-40 (RA-40) – Armstead Road / US Hwy 1 - Dervin Spell



Planner Dervin Spell presented a request by Robert Hayter is requesting a General Use Rezoning from Highway Commercial (B-2) to Residential and Agricultural-40 (RA-40) of approximately 4.82 acres of an approximate 8.62 acre parcel (the entire parcel being rezoned to RA-40), located on US Hwy 1 and adjacent to Armstead Road, Vass, owned by Robert and Jacqueline Hayter, per Deed Book 2837 Page 80.

Mr. Spell discussed the items within the packet regarding the request.

With no further questions from the board, Chairman Garrison opened the Public Hearing.

The following spoke during the Public Hearing:

- Robert Hayter; applicant mentioned to the board he felt the request is consistent to the area (additional audio comments from Mr. Hayter was undetectable).

With no further discussion or Public Comment Chairman Garrison closed the public hearing.

Chairman Garrison advised that the board will accept written comments from the public until 6:41pm (24 hours after the hearing); comments will be accepted by email to [scormack@moorecountync.gov](mailto:scormack@moorecountync.gov); this matter is to be recessed until June 11, 2020; 6:00pm for the board to make a decision. Board Harry Huberth made a motion to recess until June 11, 2020; Board Member Bobby Hyman seconded the motion, the motion was held via role call; passed unanimously 7-0.

**Public Hearing #4 - General Use Rezoning Request: Residential and Agricultural-20 (RA-20) to Highway Commercial (B-2) – Juniper Lake Road - Theresa Thompson**

Planning Supervisor Theresa Thompson presented a request by Audio & Electronic Concepts, Inc. c/o Van Keller is requesting a General Use Rezoning from Residential and Agricultural-20 (RA-20) to Highway Commercial (B-2) of an approximate 5.54 acre parcel, located on the corner of Juniper Lake Road and Murdocksville Road, owned by Audio & Electronic Concepts, Inc., per Deed Book 1659 Page 23.

Mrs. Thompson discussed the items within the packet regarding the request.

Board Member Huberth inquired about North Carolina Department of Transportation requirements and if a discussion has been had regarding any.

Mrs. Thompson informed the board the applicant is aware a driveway permit approval will need to be obtained through NCDOT and the applicant is present to answer any questions.

With no further questions from the board, Chairman Garrison opened the Public Hearing.

The following spoke during the Public Hearing:

- Jeremy Rust; 377 Long Leaf Dr. West End, NC; applicant representative for Mr. Keller explained the agreement to purchase property had conditions to clean up vacant buildings that has been completed. Mr. Rust explained driveway conversations are in the works with NCDOT to establish a location for access. Mr. Rust feels the location would be good for commercial uses based on location and the previous commercial use in the past.
- Eve Williamson; 975 Juniper Lake Rd. West End, NC; Mrs. Williamson was concerned about the previous commercial use statement from Mr. Rust as she was not aware of any previous commercial uses. Mrs. Williamson has concerns about noise, hours of operation, business type, traffic, location, water runoff, and possible increase in property values.
- Don Williamson; 975 Juniper Lake Rd. West End, NC; Mr. Williamson has the same concerns as his wife Mrs. Williamson.

With no further inquiries Chairman Garrison asked Mr. Rust to assist with the questions from those who have spoken.

Planning Director Debra Ensminger explained to the board conditions could not be considered when making a decision for General Use Rezoning and all uses allowed in Highway Commercial (B-2) would be allowed as specified in the Table of Uses as long as the conditions have been met as specified in the Unified Development Ordinance.

With no further discussion or Public Comment Chairman Garrison closed the public hearing.

Chairman Garrison advised that the board will accept written comments from the public until 7:00pm (24 hours after the hearing); comments will be accepted by email to [scormack@moorecountync.gov](mailto:scormack@moorecountync.gov); this matter is to be recessed until June 11, 2020; 6:00pm for the board to make a decision. Chairman Garrison made a motion to recess until June 11, 2020; Board Member Eddie Nobles seconded the motion, the motion was held via role call; passed unanimously 7-0.

#### **Public Hearing #5- Unified Development Ordinance Text Amendments – Highway Corridor Overlay District - Theresa Thompson**

Planning Supervisor Theresa Thompson presented to the board the requested amendments as noted within the staff report.

1. Chapter 3 (Intent of Zoning Districts), Section 3.16 (Highway Corridor Overlay District).
2. Chapter 7 (General Development Standards), Section 7.8 (Highway Corridor Overlay District) to amend Section A. New Development, amend B. Existing Development, amend C. Exemptions, remove D. Extension, amend E. Maintenance and Changes, remove F. Minimum Lot, Buildings, and Screening Standards, add G. Screening Standards, add H. Prohibited Uses, add I. Conditional Zoning Uses, add J. Storm Water Management, add K. Building Standards, add L. Fences, add M. Parking, add N. Access, add O. Screening along

Highway, add P. Vehicular Use Screening, add Q. Dumpster, Mechanical, and Electrical Equipment, Outdoor Storage Screening, add R. Signs, and add S. Lighting.

Mrs. Thompson provided the board with a presentation; attached as Exhibit A. During the presentation discussion was held between staff and board members. The following recommendations/comments were provided:

- Chairman Garrison requested staff to relook at prohibited uses in the Rural Highway to allow indoor shooting ranges.
- Chairman Garrison requested staff to identify what is allowed in the Rural Highway uses in regards to Sexually Oriented Business by listing those uses.
- Vice Chair Huberth requested staff to look at adding corrugated metal and a Hardy Plank type material as a permitted use for Building Design-Urban Transition COD.
- Board Member Gilbert felt the recommendations for window requirements was good for security reasons and agreed as presented by staff.
- Chairman Garrison expressed concern of the stringent guidelines for Building Design-Urban Transition COD being too restrictive.
- Vice Chair Huberth requested staff to relook at chain link fences to be an allowed use as long as the fence has color other than the traditional silver color.
- Vice Chair Huberth requested staff to relook at the type of Screening Within Vehicle Use Area-Urban COD mentioning longleaf pine was not suitable type vegetation for the northern Moore area.
- Vice Chair Huberth requested staff to relook at the Lighting-both Urban and Rural COD area promoting the dark sky interest in the Robbins area and recommended staff to look at the Town of Robbins Ordinance language.

With no further questions from the board, Chairman Garrison opened the Public Hearing.

The following spoke during the Public Hearing:

- Pete Mace signed up to speak however was not available for comment when called upon.
- Kristi Snyder; 180 E. Connecticut Southern Pines, NC; President, Mid Carolina Association of Realtors expressed concern of the timing the proposed amendment changes presented due to the current pandemic. Ms. Snyder feels these changes will not only hinder a recovery for Moore County but will hinder recovery from future disasters and could increase the cost of new construction.

With no further discussion or Public Comment Chairman Garrison closed the public hearing.

Chairman Garrison advised that the board will accept written comments from the public until 8:03pm (24 hours after the hearing); comments will be accepted by email to [scormack@moorecountync.gov](mailto:scormack@moorecountync.gov); this matter is to be recessed until July 2, 2020; 6:00pm

for the board to make a decision. Chairman Garrison made a motion to recess until July 2, 2020; Board Member Bobby Hyman seconded the motion, the motion was held via role call; passed unanimously 7-0.

## **PLANNING DEPARTMENT REPORTS**

Ms. Ensminger wished Planning Supervisor Theresa Thompson well on her new venture in life with the Town of Pittsboro. Ms. Ensminger reminded the board of the upcoming meeting on June 11, 2020 will be held via WebEx, the upcoming July 2, 2020 meeting is anticipated to be held in person and the logistics are currently in the works.

## **BOARD COMMENT PERIOD**

Board Chair Garrison thanked staff for their hard work.

## **ADJOURNMENT**

With no further comments Chairman Garrison made a motion to adjourn the June 4, 2020 regular meeting. The motion was seconded by Board Bobby Hyman; meeting adjourned at 8:20 p.m., the motion was held via role call; passed unanimously 7-0.

Respectfully submitted by,

Stephanie Cormack



EXHIBIT A



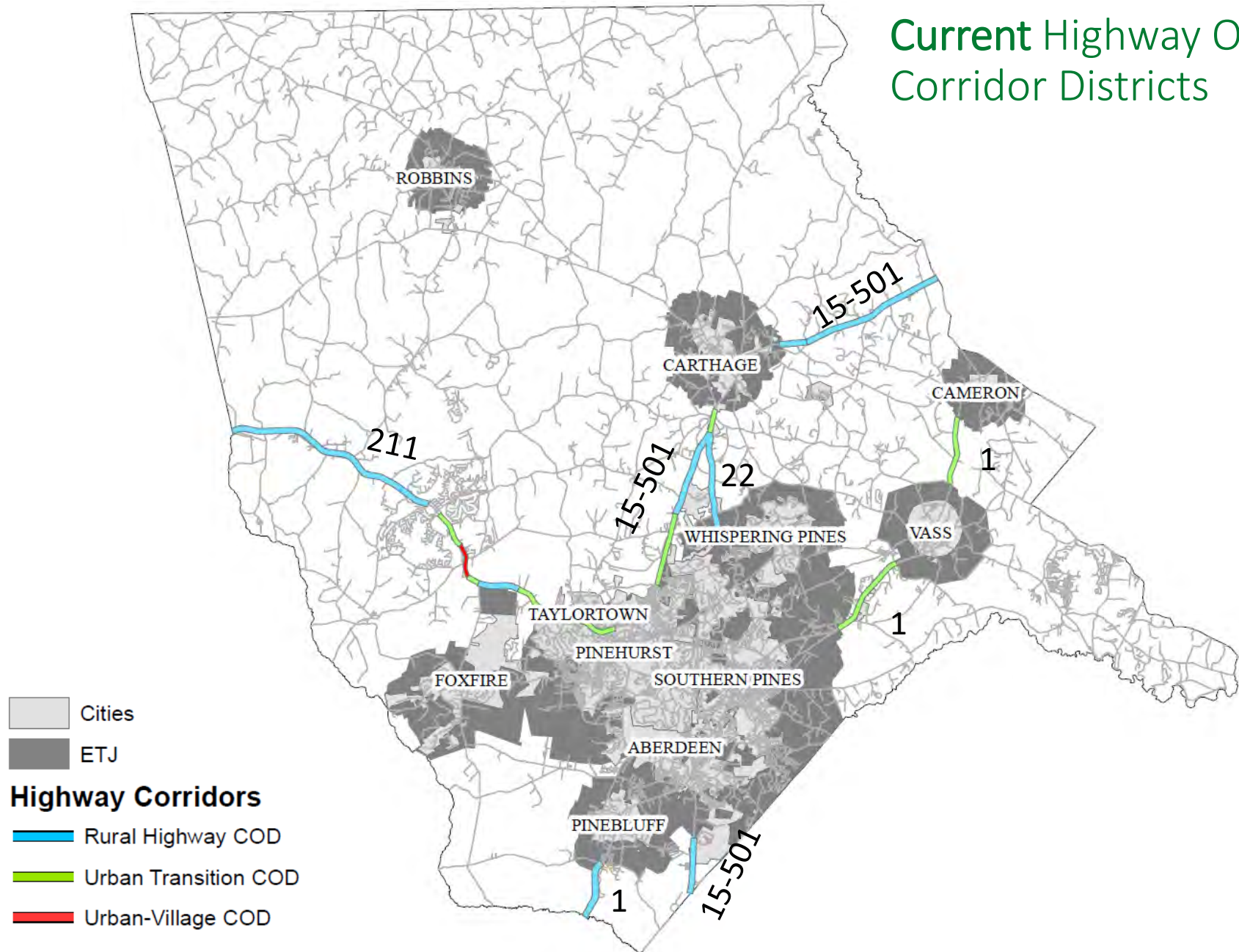
County of Moore  
— North Carolina —

# Highway Corridor Overlay Districts

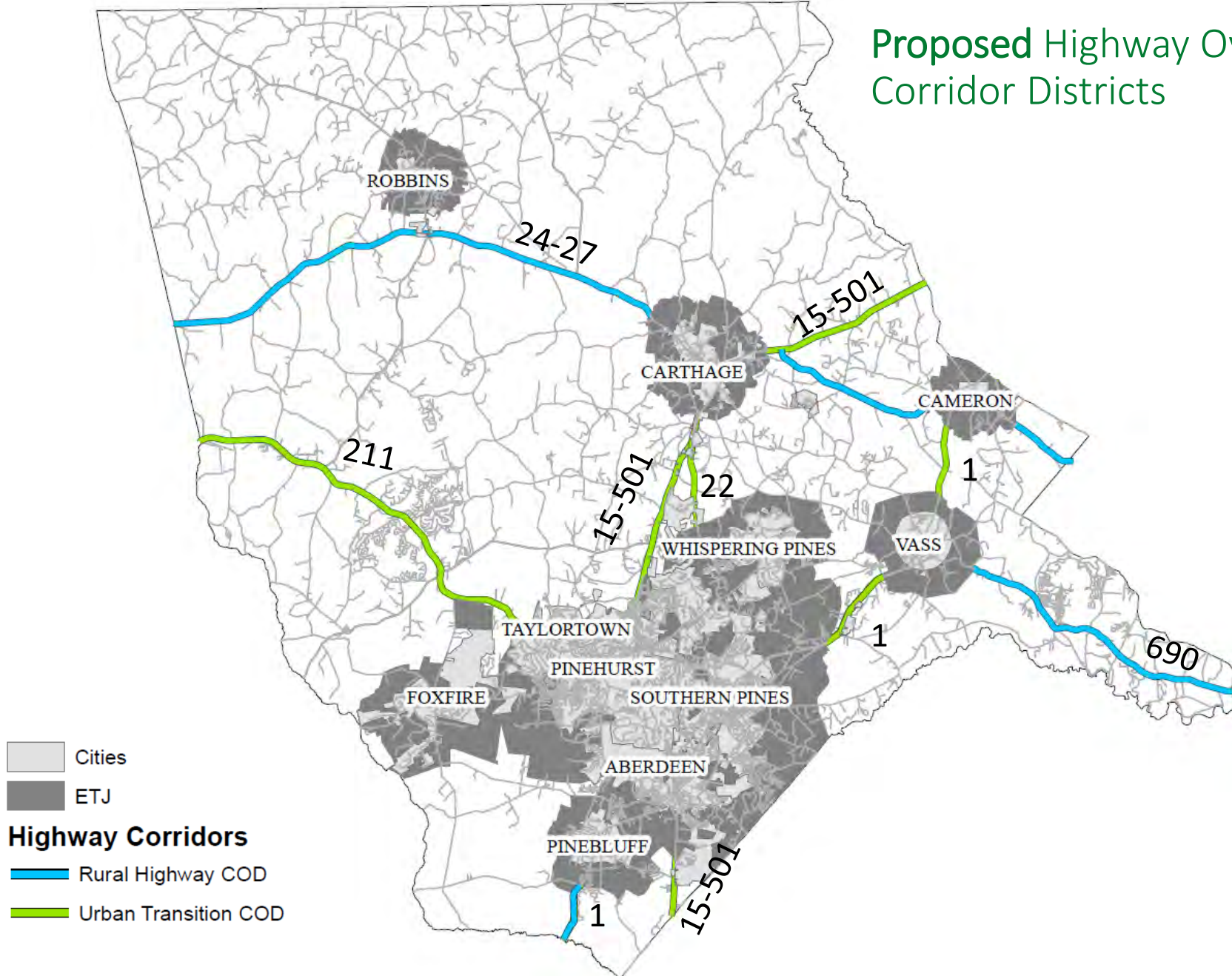
June 4, 2020



# Current Highway Overlay Corridor Districts



## Proposed Highway Overlay Corridor Districts










County of Moore  
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# Municipal Feedback










- No large signs
- No pole signs 
- Off-premise signs prohibited 
- Increase setbacks
- Concern over quality of development
- Regulate exterior design elements to blend with the environment 
- No multi-story buildings
- Limit “big box” stores

- Building design standards (brick as primary material on buildings) ✓
- Building orientation requirements ✓
- Manage scale of buildings
- Special permit for buildings over 10,000 square feet ✓
- No industry scale agriculture operations
- Limit agriculture to equine farms

- No polluting industry
- No theme parks ✓
- No multifamily apartment complexes
- Limit ingress/ egress to NC 211 ✓  
(interior streets, shared driveways)
- No accessory uses in front yard ✓
- No outdoor storage in front yard ✓
- Outdoor storage screening ✓
- Prohibit manufactured homes ✓

- Reduce max impervious lot coverage
- No clear cutting without reforestation plan
- Exterior lighting standards 
- Low lighting 
- Smaller parking lots 
- Require vegetation to shield view from NC 211 
- Increase landscape screening 
- Perimeter parking screening 

- Fences in side and rear yards only 
- Dark colored fences 
- Chain link fences prohibited 
- Internal lot setback – 40 feet 
- 2 rows of parking in front yard max 
- Connectivity standards 
- Maintenance standards 

# Prohibited Uses in Urban Transition COD

Agricultural Uses and Buildings, Accessory Manufactured Home, Manufactured Home, Personal Workshop / Storage Building, Home Occupation Level 1, Home Occupation Level 2, Group Care Facility, Nursing Home, Bed and Breakfast, Hotel and Motel, Small Appliance Repair Shop, Trade Contractor Office and Workshop, Auction House, Flea Market, Manufactured or Modular Home Sales, Restaurant, Wholesales, Ice Machines as the principle use, All uses listed under “Vehicle Services”, “Adult Uses,” and “Waste Related Services” in the Table of Uses, Cemetery or Mausoleum/Commercial, Family Cemetery, Child Care Facility, Colleges/ Business/Trade School, Funeral Home/Accessory Crematorium, Government Facility, Hospital, Religious Institution, Schools/Elementary/Middle/High, Assembly Hall, Civic/Social Club, Lodge & Organization, Golf Driving Range, Golf Course included Par 3, Indoor Recreation, Low Impact Outdoor Recreation, High Impact Outdoor Recreation, Indoor Shooting Range, Outdoor Shooting Range, Zoo/Petting Zoo, Contractors Storage Yard and Office, Crematorium Facility, Wireless Communication Facility, Collocation on Existing WCF, Mini-Warehouse (Self-Service), Warehousing and/or Distribution Center, Debris Management Facility, Drop in Child Care Facility, Itinerant Merchant, Temporary Event (Special Event)



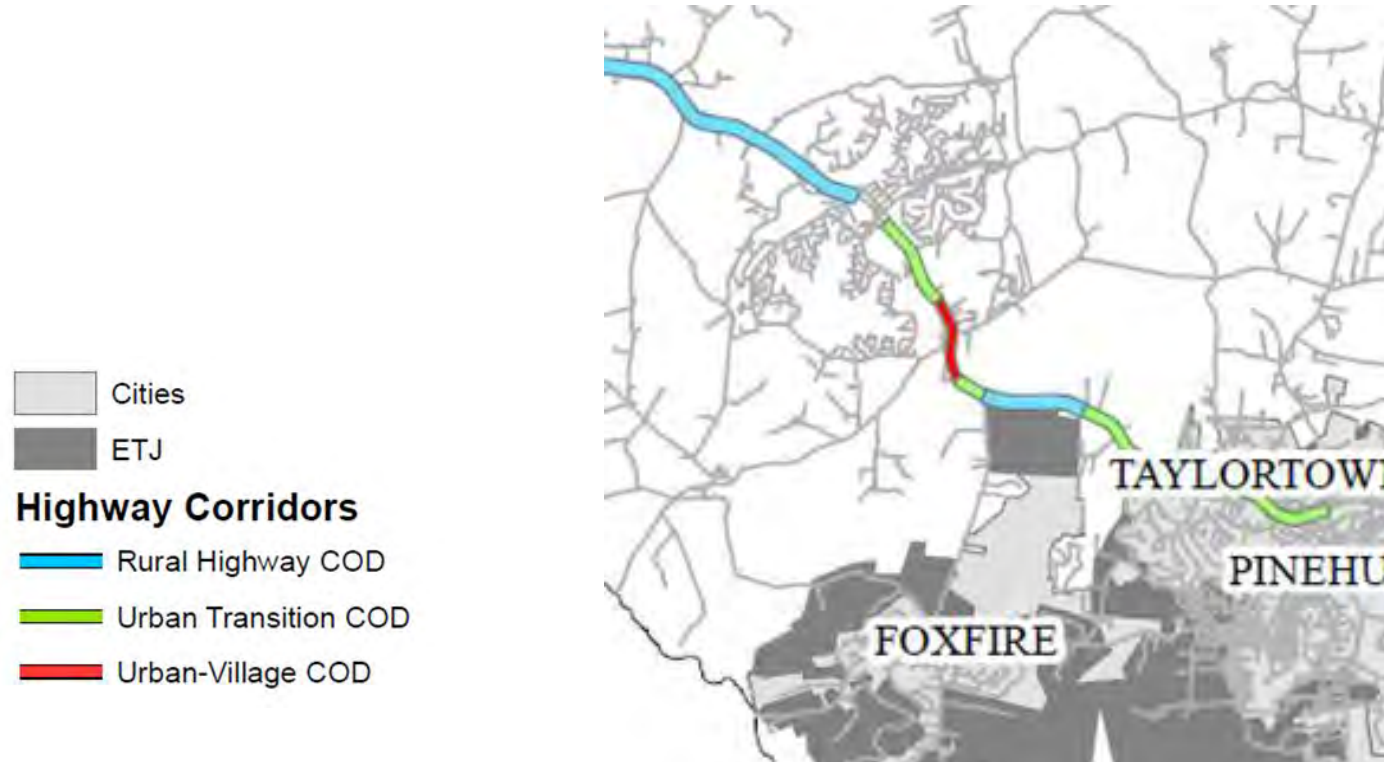


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# Proposed Changes

# Changing Urban Village to Urban Transition

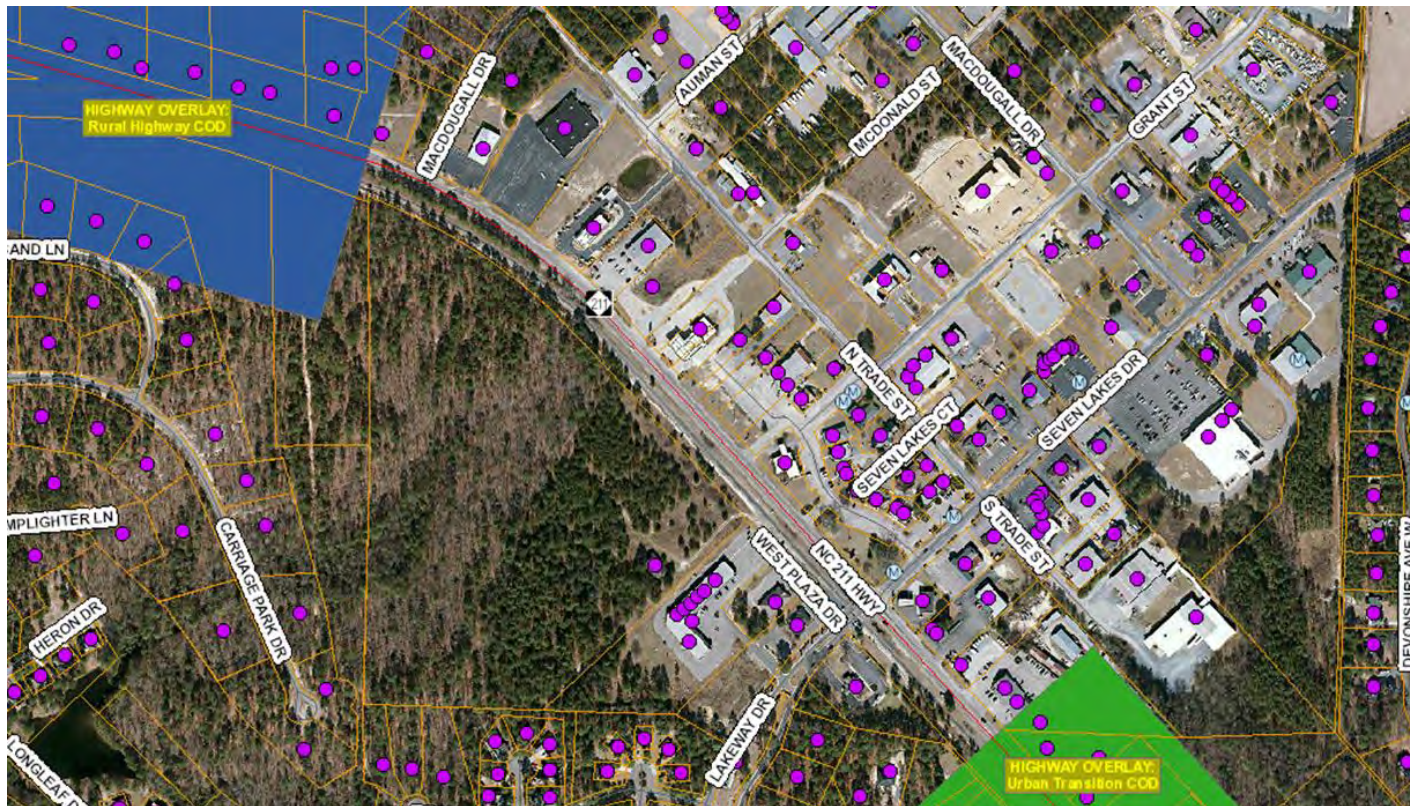
- Small section at the intersection of NC Hwy 211 and NC Hwy 73.
- The majority of undeveloped lots are at least an 1/2 acre in size and should be to meet the new HCOD standards.



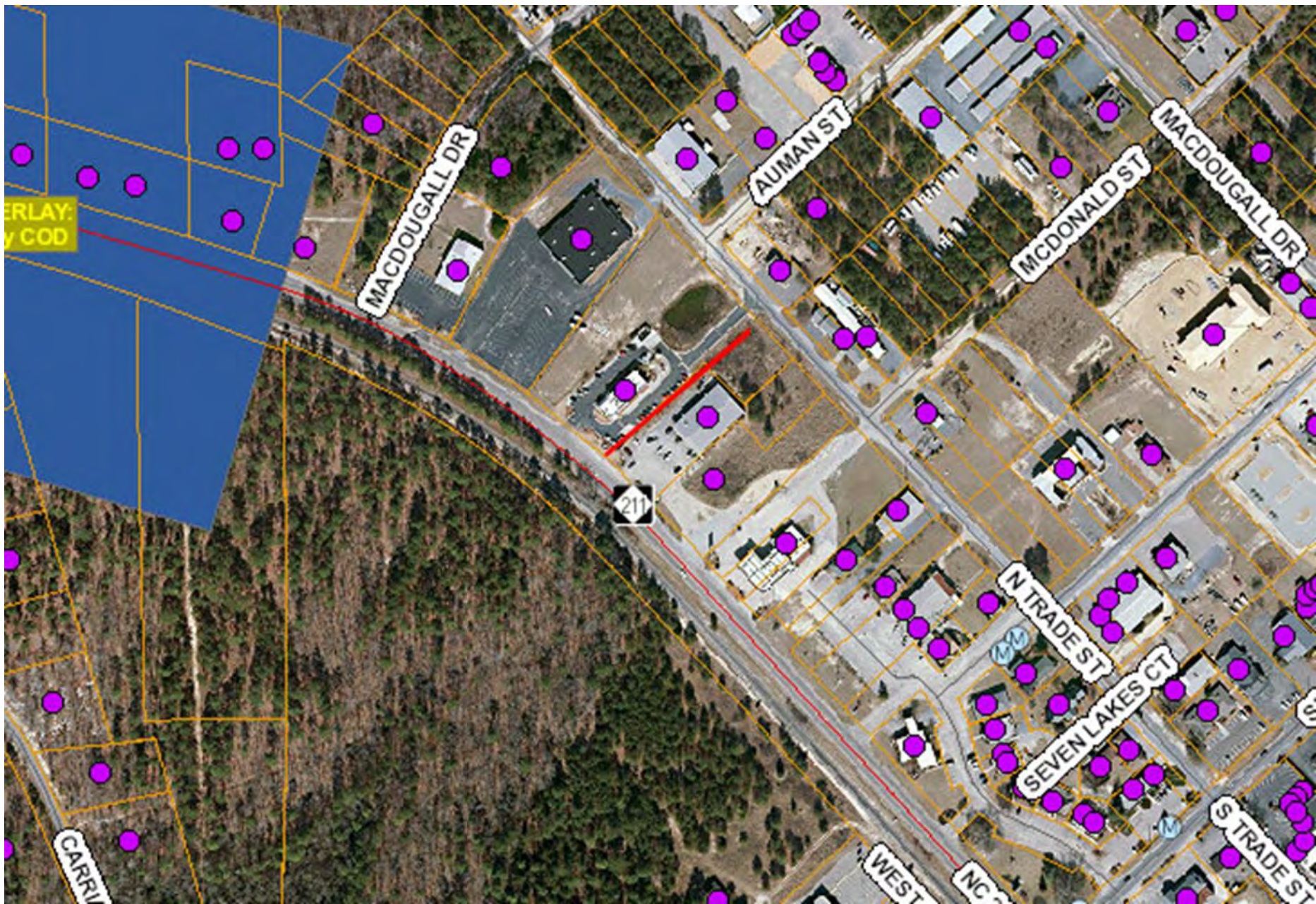


# Adding Seven Lakes Business District

- There are larger undeveloped tracts in this area that can meet the standards.
- Any developed lots in the Village Business District will be exempt from the building and parking setbacks and landscaping standards.









# Existing Development

## Existing Development

- a. Currently, any expansion of 500 s.f. or more OR change of use requires compliance to new rules.
- b. Proposed, only come into compliance if enlarging more than 50% OR total costs exceed 50% of the tax value.

## Screening Standards

- a. Come into compliance with screening standards if:
  - i. Parking lot expanding more than 10 spaces
  - ii. Change of use
  - iii. Building vacant for more than 180 days

# Prohibited Uses

1. Urban Transition. Accessory Manufactured Home, Manufactured Home, Personal Workshop / Storage Building, Manufactured or Modular Home Sales, all uses listed under “Adult Uses” and “Waste Related Services” in the Table of Uses, Cemetery or Mausoleum/Commercial, Family Cemetery, High Impact Outdoor Recreation, Indoor Shooting Range, Outdoor Shooting Range, Zoo/Petting Zoo, Contractors Storage Yard and Office, Wireless Communication Facility, Mini-Warehouse (Self-Service), Warehousing and/or Distribution Center, and Debris Management Facility.
2. Rural Highway. Accessory Manufactured Home, Manufactured Home, Sexually Oriented Business, Indoor Shooting Range, Outdoor Shooting Range, and all uses listed under “Waste Related Services” in the Table of Uses.

# Conditional Zoning Uses

**Urban Transition.** Group Care Facility, All uses listed under “Vehicle Services” in the Table of Uses, Commercial buildings in excess of 10,000 square feet.

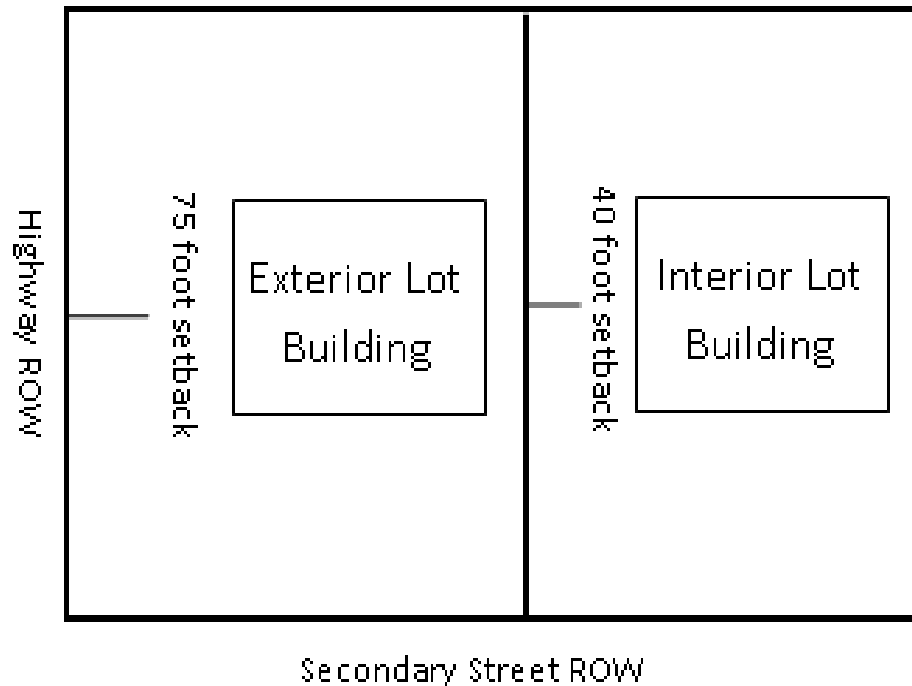
**Rural Highway.** Group Care Facility, All uses listed under “Vehicle Services” and “Adult Uses” in the Table of Uses, Low Impact and High Impact Outdoor Recreation, Mini-warehouse (Self-Service), Manufactured or modular home sales, Commercial buildings in excess of 50,000 square feet.

# Stormwater Management

- Pre / Post requirements
- The post development peak flow discharged rates shall not exceed the pre-development peak discharge rates for all storms up to and including the 25 year, 24 hour event.
- 25 year, 24 hour storm event is the maximum 24 hours precipitation event with a probable recurrence interval of once in 25 years.

# Setbacks (not changing)

- The front building setback from the highway ROW is 75 feet.
- The building setback for internal lots with access to an internal street ROW shall be 40 feet.
- The building setback from residential districts is 50 feet.
- The building setback from non-residential districts is 25 feet.





# Building Design - Urban Transition COD only

**Entrances.** Principal building entrances shall be oriented to public streets or towards the corners of streets.

**Utilities.** Utility services shall be located underground. Wooden poles are prohibited.

## **Wall Materials.**

- Exterior walls shall be at least 60% glass, brick, stone, wood clapboard siding.
- Pitched roofs shall be clad in wood shingles, standing seam metal, slate or asphalt shingles.
- Manufactured, mobile, portable storage units, and metal units are prohibited, except for temporary construction, sales trailers, or storage uses during construction.
- Brick veneers, corrugated metal, plywood, particleboard, untreated wood, and similar material are prohibited.

# Building Design - Urban Transition COD only

**Maintenance.** All exterior surfaces, which have or have not been painted, shall be maintained free of peeling or flaking paint or stucco. Rotten or weakened portions shall be removed and/or replaced to match as closely as possible the original patterns.

## **Façade Colors.**

- Earth tone, muted, or subtle or neutral colors.
- Building trim may feature brighter colors, but neon tubing is not allowed as an accent material.
- The use of high-intensity, bright, metallic, fluorescent or neon colors are prohibited.

**Windows.** Except for civic and industrial buildings, a window or functional general access doorway shall be located along the length of the façade at least every 20 feet of the first floor on ROW fronting facades. Windows shall be visually permeable.

# Building Design - Urban Transition COD only

**Accessory Buildings and Shopping Centers.** All accessory buildings and structures shall be of similar design, materials, and color as the principle structure. All accessory structures are not permitted in the front yard.

## Height

- 35 feet (not changing)
- All mechanical, electrical, communications, and service equipment, including satellite dishes shall be set back from the edge of the roof a minimum distance of 1 foot for every foot the feature extends above the roof surface.
- Screen or parapet walls shall be constructed to the height of any fixture taller than 3 feet in height that would be visible from a street or residential abutting property.

## Fences

- Fences may be used for side and rear yards only.
- Chain link is prohibited.









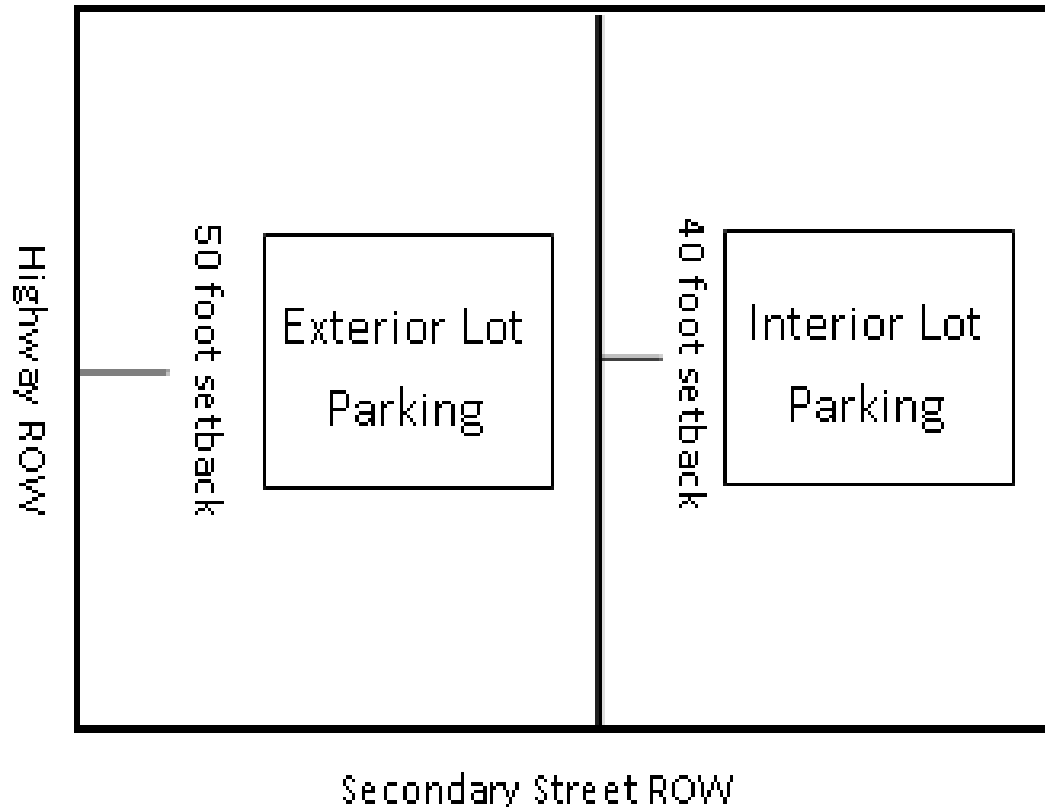




# Parking — both Urban and Rural COD

## Setback.

- Front parking setback from highway ROW line is 50 feet. (Not Changing)
- The parking setback for internal lots with access to an internal street ROW shall be 40 feet.



# Parking – both Urban and Rural HCOD

## **Location.**

- A development with 75 or fewer parking spaces shall have a maximum of 2 rows of parking spaces between any street and the front elevation of a building.
- All other parking must be located on the side or rear of the building.
- Developments with more than 75 parking spaces must have parking on at least 3 sides of the building with not more than 30% of the parking spaces located in the front of the building.

# Parking – Urban Transition COD only

## **Paving.**

- Suitable paving materials for required parking and driveway areas include, but are not limited to: asphalt, porous asphalt, porous paving blocks, and concrete.
- Compacted stone (road bond) and gravel are permitted as paving materials in the rear setback area for loading and service areas.
- The use of grass is permitted for satellite parking areas.

## **Striping.**

- The individual parking spaces in a lot shall be delineated in all parking lots except those utilizing road bond, gravel, or grass surfacing.

**Curbing.** Each parking space shall be provided with curbing or a tire stop.

**Maintenance.** Parking areas shall be maintained to provide for vehicle access and shall be kept free of litter, debris, outdoor display and sales and material storage, including portable containers.

# Parking — Both Rural and Urban Transition COD

**Maintenance.** Parking areas shall be maintained to provide for vehicle access and shall be kept free of litter, debris, outdoor display and sales and material storage, including portable containers.

**Service Areas.** Parking for service vehicles and loading areas shall be designated, located and screened with Type 1 or Type 2 Screening to minimize the view from adjacent properties and right-of-ways, at the rear of the buildings.

**Compact Spaces.** Up to 20% of the total number of spaces required may be provided by compact or alternative transportation spaces, no less than 8 feet in width. Parking may also accommodate electric vehicle charging stations.

**Storage.** The parking area may be used only for parking and for any type of loading, sales, dead storage, or repair work.

**Stacking.** Where drive-thru or drive-up facilities are provided, space shall be provided to accommodate not less than three cars per stacking lane.

# Access – Urban Transition COD only

Within a development, safe and easy-to-use circulation is an important design principle. All adjoining parcels serving (or potentially serving) non-residential or multifamily uses shall be interconnected as follows:

**Interconnectivity.** All parking lots shall dedicate access easements and provide interconnectivity to adjoining properties. The connection is at least 20 feet wide. If applicable, the connection aligns with a connection that has been previously constructed on an adjacent property.





# Access – Urban Transition COD only

## **Street Frontage.**

- Any lot that is to be created or any existing lot on which a structure is to be erected or a use to be established shall be accessible to a public or private street right-of-way.
- Access through easements is not permitted.

## **Driveways.**

- The maximum driveway width is 36 feet.
- The maximum number of driveways per lot is 2.
- The minimum distance from an intersection or adjoining driveway is 100 feet, except in the case where no other lot access to a street is available.
- Common driveways on adjoining lots are recommended.

# Screening Along Highway — Both Rural and Urban COD

- **Current** — 20 foot wide buffer, minimum of 15 trees (at least half evergreen) plus 15 shrubs (at least half evergreen) per 100 linear feet of lot boundary.
- **Proposed** — 50 foot wide buffer including 10 long leaf pines, 8 additional trees (at least half evergreen), and 25 shrubs per 100 linear feet of buffer area.
- New or supplemental trees shall be planted with the intent to grow to 10 feet within 5 years. New or supplemental shrubs shall be planted with the intent to grow to 5 feet within 5 years. Vegetation shall be distributed along the entire length and width of the planted buffer. A mixture of plant types are recommended to mitigate the spread of disease.

# Vehicular Use Screening - Urban COD only

**Perimeter Parking Screening.** New or supplemental trees shall be planted with the intent to grow to 10 feet within 5 years. Shrubs shall with the intent to grow to 3 feet within 3 years. All off-street parking, loading areas, and service areas shall be screened from view by use of one or more of the following:

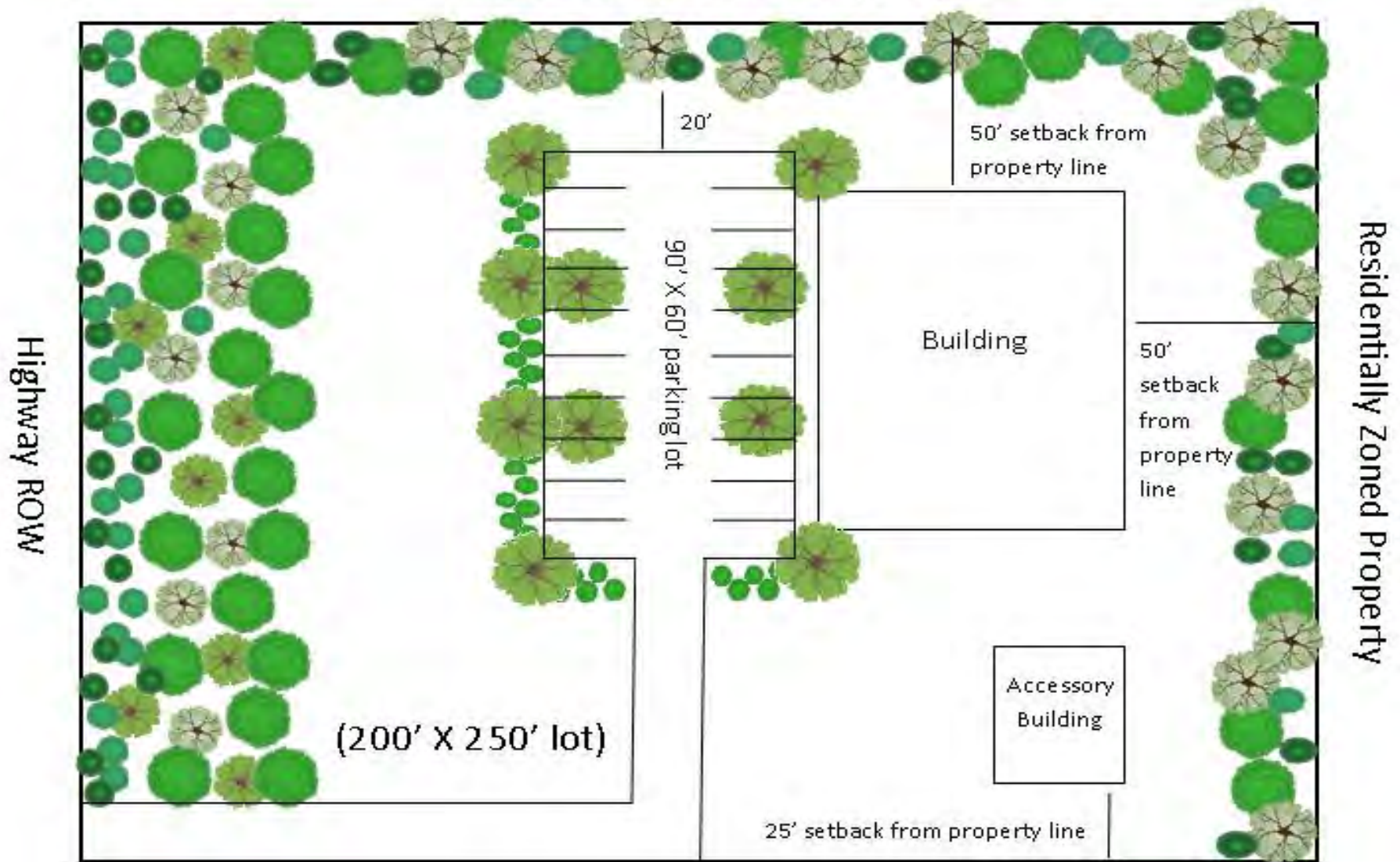
- a. A building,
- b. Stone or brick wall (side and rear yards only),
- c. 1 tree, excluding longleaf pine, per 30 feet and 1 shrub per 3 feet (rounding up),
- d. Perimeter screening (Type 1, 2, or 3) alongside property lines located not more than 20 feet from parking edge. Refer to fencing standards within this Section for Type 1.

# Screening Within Vehicle Use Area – Urban COD only

Trees shall be installed in planting areas within parking lots to provide shade coverage and break up large areas of impermeable surface allowing areas for water infiltration. New or supplemental trees shall be planted with the intent to grow to 10 feet within 5 years. Planting areas shall meet the following:

- a. Trees. 2 trees, excluding longleaf pine, per 10 spaces of vehicular use area (rounding up). Landscaped areas surrounded by impervious surfaces shall have a minimum width of 9 feet and include a minimum of 150 square feet of open planting area for trees. Trees shall be even distributed throughout the vehicular use area.
- b. Shrubs. 4 evergreen shrubs per 10 spaces of vehicular use area (rounding up).
- c. Groundcover. Each planting shall be landscaped with mulch, groundcover, shrubs, or grass to protect against soil erosion.
- d. Barriers. Barriers, such as wheel stops or 6 inch standard curbs, must be provided between vehicular use areas and landscaped areas.

## Residentially Zoned Property



## Non-Residentially Zoned Property

# Dumpster, Mechanical and Electrical Equipment, Outdoor Storage Screening – both Urban and Rural COD

All storage facilities shall be located to the rear of the primary building and shielded from any public roadway or adjacent property by means of Type 1 (chained link is prohibited) or Type 2 screening, unless already screened by a buffer yard. Dumpster screening shall be at least 5 feet in height.

## Signs – both Urban and Rural COD

- The maximum height is 6 feet.
- Sign colors shall be uniform between the ground sign and wall sign.
- Colors shall be muted.
- Off-premise signs are prohibited.



# Lighting – both Urban and Rural COD

**Sign illumination.** Electronic changeable message signs are prohibited.

**Parking Lot Lighting.** The maximum mounting height of illumination is 30 feet from the ground to the light source. Light poles and fixtures shall be a matte or low-gloss grey, black, dark earthen, or bronze finish to minimize glare from the light source.

**Exterior Lighting.** The maximum average maintained illumination is 3.0 lumens per square feet at the property line. The light source must be white light. The use of laser source light or any similar high intensity light for outdoor entertainment or advertisement is prohibited. Awnings and canopies shall not be illuminated internally.



County of Moore  
— North Carolina —

# Questions

**MINUTES  
MOORE COUNTY PLANNING BOARD  
THURSDAY, JUNE 11, 2020 6:00 PM**

The Moore County Planning Board recessed the June 4, 2020 meeting until June 11, 2020 for the Planning Board to make a decision. Due to the COVID-19 State of Emergency, the meeting was hosted electronically via WebEx.

**Board Members Present (all electronically):**

Joe Garrison (Chairman), Harry Huberth (Vice Chairman), Bobby Hyman, Matthew Bradley, Eddie Nobles, John Matthews, Jeffrey Gilbert (Mr. Gilbert joined the meeting shortly after start of the meeting)

**Board Members Absent:** John Cook

**Staff Present (all electronically):**

Debra Ensminger, Planning Director, Tron Ross, Associate County Attorney, Dervin Spell, Planner, Stephanie Cormack, Administrative Officer

**CALL TO ORDER**

Chairman Joe Garrison called the meeting to order at 6:00 pm.

**INVOCATION**

Chairman Joe Garrison offered the invocation.

**PLEDGE OF ALLEGIANCE**

Chairman Joe Garrison led in citing of the Pledge of Allegiance.

**MISSION STATEMENT**

Secretary to the Board Stephanie Cormack read the Moore County Mission Statement.

This meeting was a continuation of the regular schedule Planning Board Meeting of June 4, 2020.

The following Public Hearings were recessed until June 11, 2020 for the Planning Board to make a decision.

**PUBLIC HEARING**

**Public Hearing #2** – General Use Rezoning Request: Highway Commercial (B-2) to Residential and Agricultural-20 (RA-20) – Love Grove Church Road - Dervin Spell

Pete Mace is requesting a General Use Rezoning from Highway Commercial (B-2) to Residential and Agricultural-20 (RA-20) of approximately 13.21 acres (entire portion currently zoned B-2 located to the north of Love Grove Church Road) of an approximate

26.32 acre parcel, located on the corner of Love Grove Church Road and Carthage Road, West End, owned by Johnny & Kathy Harris, per Deed Book 5095 Page 156.

A Public Hearing was held and closed on June 4, 2020 at 6:29pm; written comments from the public were accepted until 6:29pm on June 5, 2020. No additional comments were received during this time frame.

With no further public comments Chairman Garrison asked staff to read the motions

Planner Dervin Spell read the motions as presented within the staff report.

Board Member Matthews requested history of the current B-2 zoning and to why they would want RA-20.

Planning Director Debra Ensminger explained to the board the property owner requested a B-2 zoning when zoning was established in Moore County and feels RA-20 would be a better zoning designation at this time.

With no further comments Chairman Garrison made a motion to adopt the attached Moore County Planning Board Land Use Plan Consistency Statement and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341. The motion was seconded by Board Member John Matthews; the motion was held via role call; passed unanimously 7-0. Jeffrey Gilbert noted he was on the line and was included in the roll call.

Board Member Bobby Hyman made a motion to recommend approval to the Moore County Board of Commissioners of the General Use Rezoning from Highway Commercial (B-2) to Residential and Agricultural-20 (RA-20) of approximately 13.21 acres (entire portion currently zoned B-2 located to the north of Love Grove Church Rd.) of an approximate 26.32 acre parcel, located on the corner of Love Grove Church Rd and Carthage Rd, West End. The motion was seconded by Board Member Eddie Nobles; the motion was held via role call; passed unanimously 7-0.

**Public Hearing #3** – General Use Rezoning Request: Highway Commercial (B-2) to Residential and Agricultural-40 (RA-40) – Armstead Road / US Hwy 1 - Dervin Spell

Robert Hayter is requesting a General Use Rezoning from Highway Commercial (B-2) to Residential and Agricultural-40 (RA-40) of approximately 4.82 acres of an approximate 8.62 acre parcel (the entire parcel being rezoned to RA-40), located on US Hwy 1 and adjacent to Armstead Road, Vass, owned by Robert and Jacqueline Hayter, per Deed Book 2837 Page 80.

A Public Hearing was held and closed on June 4, 2020 at 6:41pm; written comments from the public were accepted until 6:41pm on June 5, 2020. No additional comments were received during this time frame.

With no further public comments Chairman Garrison asked staff to read the motions.

Planner Dervin Spell read the motions as presented within the staff report.

With no further comments Vice Chair Harry Huberth made a motion to adopt the attached Moore County Planning Board Land Use Plan Consistency Statement and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341. The motion was seconded by Board Member Bobby Hyman; the motion was held via role call; passed unanimously 7-0.

Chairman Garrison made a motion to recommend approval to the Moore County Board of Commissioners of the General Use Rezoning from Highway Commercial (B-2) to Residential and Agricultural-40 (RA-40) of approximately 4.82 acres of an approximate 8.62 acre parcel (the entire parcel being rezoned RA-40), located on US Hwy 1 and adjacent to Armstead Rd. Vass. The motion was seconded by Vice Chair Harry Huberth; the motion was held via role call; passed unanimously 7-0.

**Public Hearing #4 - General Use Rezoning Request: Residential and Agricultural-20 (RA-20) to Highway Commercial (B-2) – Juniper Lake Road - Debra Ensminger**

Audio & Electronic Concepts, Inc. c/o Van Keller is requesting a General Use Rezoning from Residential and Agricultural-20 (RA-20) to Highway Commercial (B-2) of an approximate 5.54 acre parcel, located on the corner of Juniper Lake Road and Murdocksville Road, owned by Audio & Electronic Concepts, Inc., per Deed Book 1659 Page 23.

A Public Hearing was held and closed on June 4, 2020 at 7:00pm; written comments from the public were accepted until 7:00pm on June 5, 2020. No additional comments were received during this time frame.

Minor discussion was held between board members and provided the following comments:

- Vice Chair Huberth inquired if NCDOT driveway approval would need to be obtained.
  - Ms. Ensminger confirmed approval would need to be obtained through NCDOT.
- Chairman Garrison mentioned this may not be the best fit for the area due to increasing residential traffic causing congestion issues in the future.
- Board Member Gilbert expressed concerns of this area potentially sparking additional commercial projects.
- Board Member Bradley commented this area seems to have more residential vs. commercial.
- Board Member Matthews inquired about the applicant future use.
  - Ms. Ensminger explained any use allowed under the B-2 zoning would be allowed.
- Vice Chair Huberth expressed the area has future for a potential commercial site and NCDOT would address the traffic situation at some point once it becomes an issue.



With no further public comments Chairman Garrison asked staff to read the motions.

Planning Director Debra Ensminger read the motions as presented within the staff report.

With no further comments Board Member John Matthews made a motion to adopt the attached Moore County Planning Board Land Use Plan Consistency Statement and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341. The motion was seconded by Vice Chair Harry Huberth; the motion was held via role call; passed unanimously 4-3 vote; Joe Garrison, Jeffrey Gilbert and Matthew Bradley voting against motion for approval.

Board Member John Matthews made a motion to recommend approval to the Moore County Board of Commissioners of the General Use Rezoning from Residential and Agricultural-20 (RA-20) to Highway Commercial (B-2) of an approximate 5.54 acre parcel, located on the corner of Juniper Lake Rd. and Murdocksville Rd. The motion was seconded by Vice Chair Harry Huberth; the motion was held via role call; motion was denied 3-4 vote; Matthew Bradley, Joe Garrison, Eddie Nobles and Jeffrey Gilbert voting against motion for approval.

## **PLANNING DEPARTMENT REPORTS**

Ms. Ensminger informed the board the items heard tonight will go before the Board of County Commissioners on August 18, 2020.

## **BOARD COMMENT PERIOD**

Chairman Garrison thanked the board for their commitment to attend the meeting.

## **ADJOURNMENT**

With no further comments Chairman Garrison made a motion to adjourn the June 11, 2020 continuation of the regular schedule Planning Board Meeting of June 4, 2020. The motion was seconded by Board Jeffery Gilbert; meeting adjourned at 6:40 p.m., the motion was held via role call; passed unanimously 7-0.

Respectfully submitted by,

Stephanie Cormack

**MEMORANDUM TO THE PLANNING BOARD**

**FROM:** Debra Enslinger  
Planning & Transportation Director

**DATE:** May 26, 2020

**SUBJECT:** Conditional Rezoning Request: Highway Commercial (B-2) to  
Highway Commercial Conditional Zoning (B2-CZ) – Shopping  
Center

**PRESENTER:** Debra Enslinger

**REQUEST**

4D Site Solutions, Inc. is requesting a Conditional Rezoning from Highway Commercial (B-2) to Highway Commercial Conditional Zoning (B2-CZ) for a shopping center, located on ParID 00014200, approximately 1.71 acres, located at 7627 NC Hwy 211, West End, owned by Bernie Schaub, per Deed Book 4827 Page 215.

Public notification consisted of publishing a legal notice in the local newspaper for two consecutive weeks, notification by mail to adjacent property owners, and placing public hearing signs on the property.

**BACKGROUND**

The property is currently undeveloped. Adjacent properties include offices / warehouses, undeveloped property, and a daycare. A Special Non-Residential Intensity Allocation will be required for this project due to the proposed impervious surface amount of 53.8%.

**COMMUNITY MEETING**

The community meeting was conducted at the Moore County Agricultural Center on June 17, 2020 between 5:30pm and 7:00pm. Adjacent properties were notified by certified return receipt mail, sent on June 5, 2020. Please refer to attached report for more details.

**CONDITIONAL ZONING (CZ)**

Conditional rezoning affords a degree of certainty in land use decisions not possible when rezoning to a general district. Conditional Zoning Districts are established to provide for flexibility in the development of property while ensuring that the development is compatible with neighboring uses. Pursuant to NCGS 153A-342, conditional zoning districts requires the approval of a rezoning by the Moore County Board of Commissioners and approval of a site specific development plan allowing for the development of specific land uses.

Parallel conditional zoning districts are restricted to those uses (meaning either one or multiple uses) listed in the corresponding general use zoning district.

The request shall be in compliance with all relevant portions of the UDO, except that variations from these standards may be approved by the Board of Commissioners if the site plan is submitted and determined to be suitable for the request, is consistent with the intent of the standards, and ensures compatibility with land uses on surrounding properties.

Specific additional conditions applicable to the rezoning request may be proposed by the applicant, the Planning Board, or Board of Commissioners. Only those conditions mutually approved by the county and the applicant may be incorporated into the permit requirements. If a proposed condition is unacceptable to the owner, the petition can be withdrawn and the proposed rezoning cannot go forward. Likewise, if a condition is unacceptable to the Board of Commissioners, the petition can be denied and there is no rezoning.

Per NCGS 153A-342(B), conditions and site-specific standards shall be limited to those that address the conformance of development and use of the site to County ordinances and officially adopted plans and those that address the impacts reasonably expected to be generated by the development or use of the site.

#### **ZONING DISTRICT COMPATIBILITY**

The requested rezoning to Highway Commercial Conditional Zoning (B2-CZ) for a Shopping Center is consistent with the mixture of land uses in the area. The surrounding area is zoned Highway Commercial (B-2). Pinehurst's zoning jurisdiction is located across NC Hwy 211 including the following zoning district: Office Professional (OP).

#### **CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN**

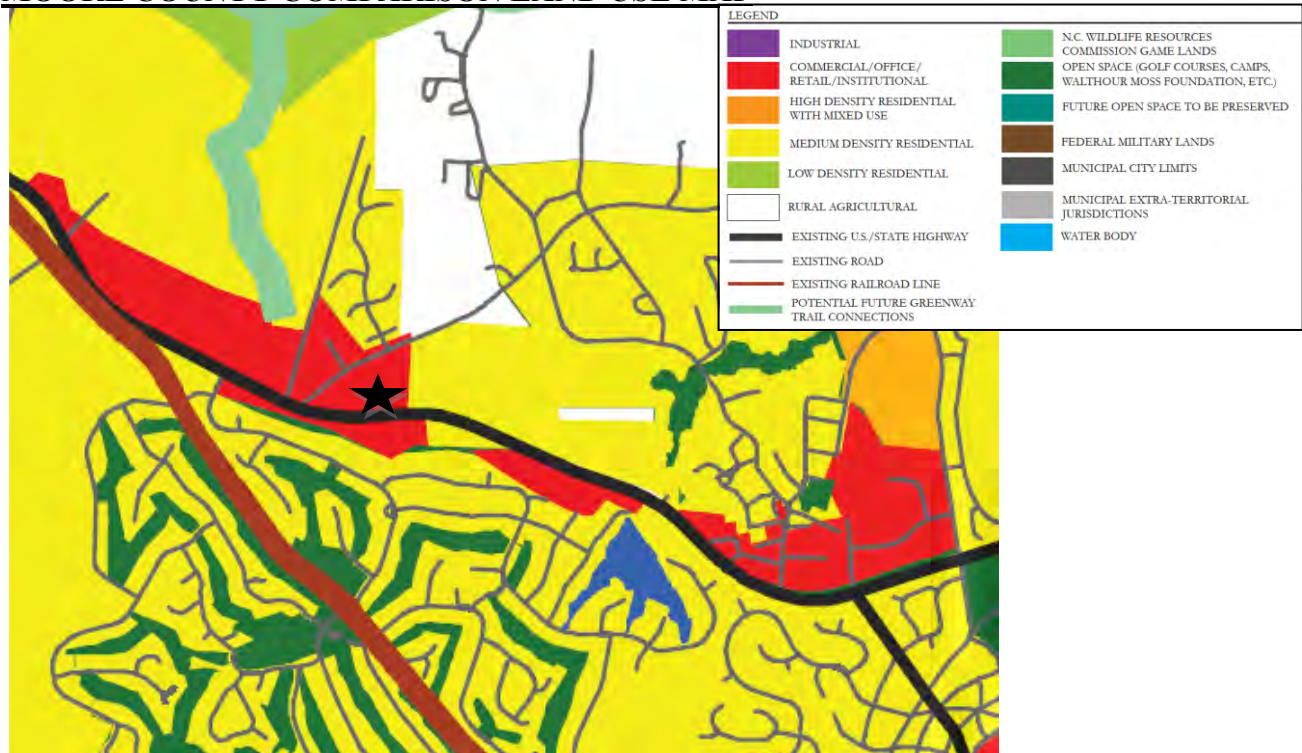
The future land use map identifies the property as Commercial/Office/Retail/Institutional Land Use Classification. The requested zoning to Highway Commercial Conditional Zoning (B2-CZ) is compatible with the Commercial/Office/Retail/Institutional Land Use Classification.

The Land Use Plan states the primary use of the Commercial/Office/Retail/Institutional Land Use Classification includes shopping/retail uses, dining, entertainment, services, general office space, medical offices, banks, schools, daycares, places of worship, libraries, etc.

The Moore County Unified Development Ordinance states the Highway Commercial (B-2) district provides for the development of commercial and service centers that serve community, countywide, or regional commercial needs, are accessible by residents from surrounding neighborhoods, and are of such nature so as to minimize conflicts with surrounding residential areas.

The rezoning request is also consistent with several goals as included in the attached Land Use Plan Consistency Statement, including Goal 3.1: Maximize accessibility among living, working, and shopping areas and Action 1.8.8: Support and promote infill development that will optimize the use of existing infrastructure.

## MOORE COUNTY COMPARISON LAND USE MAP



### RECOMMENDATION

Staff recommends the Moore County Planning Board make two separate motions:

**Motion #1:** Make a motion to adopt the attached **Approval** or **Denial** Moore County Planning Board Land Use Plan Consistency Statement and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341.

**Motion #2:** Make a motion to recommend **Approval** or **Denial** to the Moore County Board of Commissioners of the Conditional Rezoning from Highway Commercial (B-2) to Highway Commercial Conditional Zoning (B2-CZ) for a shopping center, located on an approximate 1.97 acre parcel, located at 7627 NC Hwy 211, West End, owned by Bernie Schaub.

### ATTACHMENTS

- Pictures of Property and Adjacent Properties
- Vicinity Map
- Land Use Map
- Rezoning Map – County Zoning & Municipal Comparison
- Submitted Rezoning Application
- Submitted Site Specific Development Plan
- Submitted Proposed Uses for Property
- Planning Board Consistency Statement – Approval
- Planning Board Consistency Statement – Denial
- Community Meeting Report
- Deed Book 4827, Page 215

**View of subject property**





**View of adjacent property - 7647 NC Hwy 211**



**View of adjacent property - 7613 NC Hwy 211**





**View of eastbound NC Hwy 211**

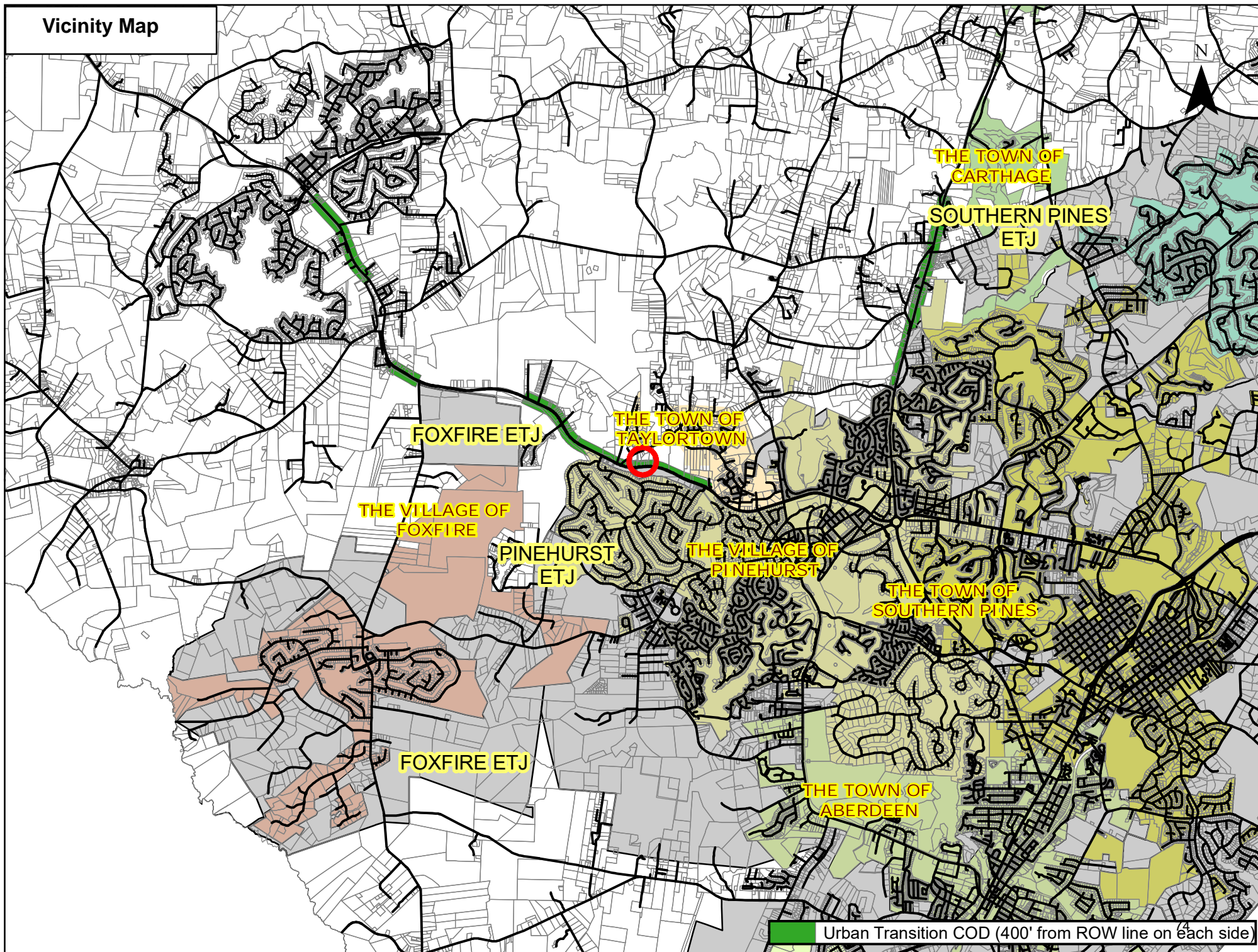


**View of westbound NC 211**





Vicinity Map





Land Use Map



Office/  
Warehouse

Undeveloped

Daycare Center

Office/  
Warehouse

PINEHURST ETJ

Undeveloped

Undeveloped



Zoning Map

TAYLORTOWN  
TOWN LIMITS

BIRCH

PINESAGE

JUNIPER LAKE

RA-40

PUD/CUD

PUD/CUD

B-2

B-2

RA-20

RA-5

Shaded area requested  
to be rezoned to B-2-CZ

NC 211

NC 211

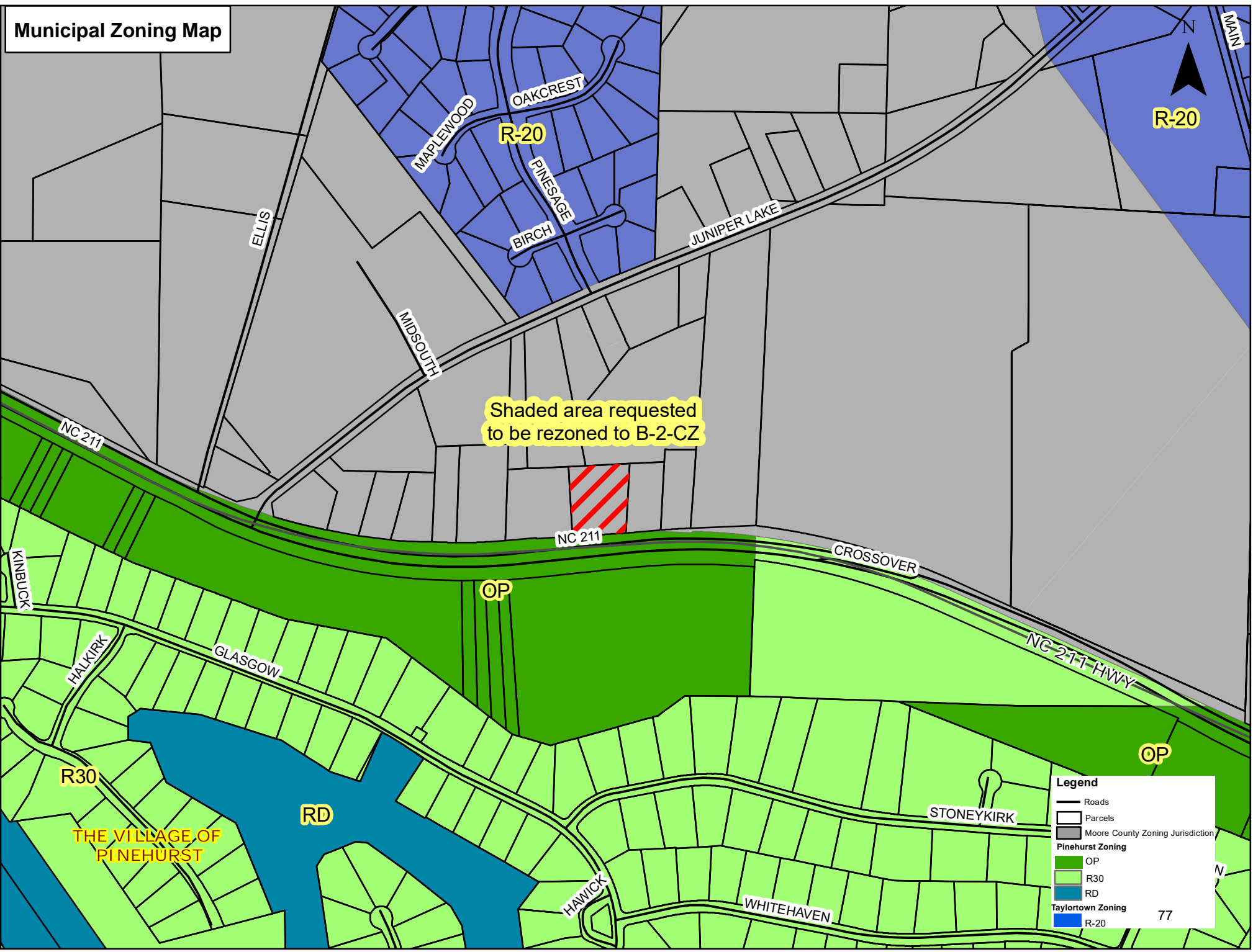
PINEHURST ETJ

CROSSOVER

N



Municipal Zoning Map



# County of Moore Planning and Transportation

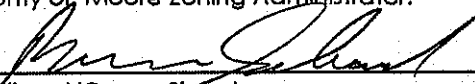


Inspections/Permitting: (910) 947-2221  
 Planning: (910) 947-5010  
 Transportation: (910) 947-3389  
 Fax: (910) 947-1303

## Conditional Rezoning Application

Application Date: <b>April 20, 2020</b>			
Address of Property: <b>7627 NC 211, West End, NC</b>			
Applicant: <b>4D Site Solutions, Inc</b>			Phone:
Applicant Address: <b>409 Chicago Dr, Ste 112</b>	City: <b>Fayetteville</b>	St: <b>NC</b>	Zip: <b>28306</b>
Owner: <b>Bernie Schaub</b>			Phone: <b>910-638-0161</b>
Owner Address: <b>20 Loch Lomond Court</b>	City: <b>Pinehurst</b>	St: <b>NC</b>	Zip: <b>28374</b>
Current Zoning District: <b>B-2</b>		Proposed Zoning District: <b>CZ-B-2</b>	
Current Use(s): <b>Vacant</b>		Proposed Use(s): <b>Shopping center</b>	
<p>Proposed rules, regulations, condition(s) for the proposed district that address the impacts expected to be generated by the development or use of the site:</p> <p>The property will be developed in accordance with the existing Moore County UDO. No special conditions or rules are being proposed for the development.</p> <p>The storm water from the project will be treated by an infiltration basin.</p> <p>A SNIA will be requested for the development.</p>			
<p>Statement of reasonableness of the proposed conditional zoning. The statement shall include, but not be limited to the following:</p> <ol style="list-style-type: none"> <li>1. The conditional rezoning compatibility with the County Land Use Plan and other adopted plans of the County.</li> <li>2. The conditional rezoning compatibility with the existing land uses on abutting and neighboring tracts.</li> <li>3. The benefits and detriments of the conditional rezoning for the subject property, neighboring properties and the surrounding community.</li> </ol> <p>1. The current land use plan shows the property as commercial. The property is already zoned commercial. The CZ is because it would be considered a shopping center.</p> <p>2. The surrounding property is zoned commercial. The property to the west and east is already developed.</p> <p>3. No detriments are anticipated with the CZ. The development will be in harmony with the surrounding property and land use plan.</p>			


I (We), the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests or information as designated by the County of Moore Zoning Administrator.

 4/20/2020  
Applicant/Owner Signature Date

\_\_\_\_\_  
Applicant/Owner Signature Date

Office Use Only:

PAR ID: 00014200

 4/20/2020  
Received By Date





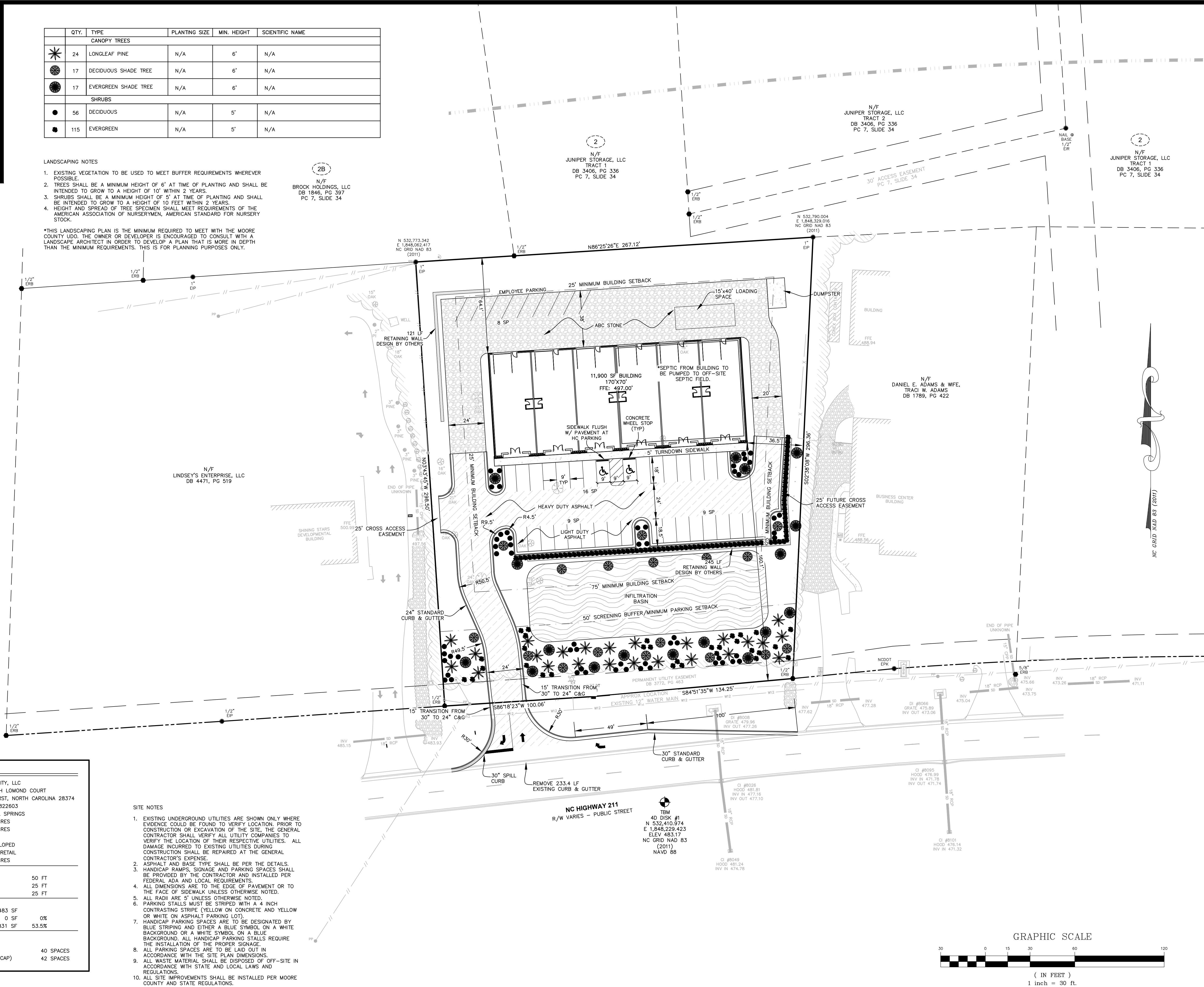
**LANDSCAPING NOTES**

1. EXISTING VEGETATION TO BE USED TO MEET BUFFER REQUIREMENTS WHEREVER POSSIBLE.
2. TREES SHALL BE A MINIMUM HEIGHT OF 6' AT TIME OF PLANTING AND SHALL BE INTENDED TO GROW TO A HEIGHT OF 10' WITHIN 2 YEARS.
3. SHRUBS SHALL BE A MINIMUM HEIGHT OF 5' AT TIME OF PLANTING AND SHALL BE INTENDED TO GROW TO A HEIGHT OF 10 FEET WITHIN 2 YEARS.
4. HEIGHT AND SPREAD OF TREE SPECIMEN SHALL MEET REQUIREMENTS OF THE AMERICAN ASSOCIATION OF NURSERMEN, AMERICAN STANDARD FOR NURSERY STOCK.

\*THIS LANDSCAPING PLAN IS THE MINIMUM REQUIRED TO MEET WITH THE MOORE COUNTY UDO. THE OWNER OR DEVELOPER IS ENCOURAGED TO CONSULT WITH A LANDSCAPE ARCHITECT TO MEET WITH THE MOORE COUNTY UDO WITH MORE THAN THE MINIMUM REQUIREMENTS; THIS IS FOR PLANNING PURPOSES ONLY.

2B  
N/F  
BROCK HOLDINGS, LLC  
DB 1846, PG 397  
PC 7, SLIDE 34

N/F  
LINDSEY'S ENTERPRISE, LLC  
DB 4471, PG 519

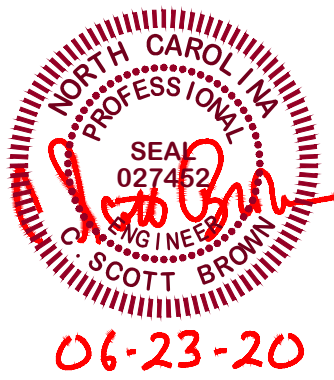


SITE DATA		
DEVELOPER	MB EQUITY, LLC	
MAILING ADDRESS	20 LOCH LOMOND COURT	
CITY, STATE	PINEHURST, NORTH CAROLINA 28374	
PLAN NUMBER	854316822603	
TOWNSHIP	MINERAL SPRINGS	
TOTAL SITE ACREAGE	1.71 ACRES	
ACREAGE TO BE DEVELOPED	1.71 ACRES	
ZONING	B-2	
EXISTING USE	UNDEVELOPED	
PROPOSED USE	OFFICE/RETAIL	
DISTURBED/DENUDE AREA	1.86 ACRES	
<u>SETBACKS REQUIRED:</u>		
FRONT		50 FT
SIDE		25 FT
REAR		25 FT
<u>IMPERVIOUS CALCS:</u>		
TOTAL SITE AREA	74,483 SF	
PRE-DEVELOPMENT	0 SF	0%
POST-DEVELOPMENT	39,831 SF	53.5%
<u>PARKING:</u>		
<u>REQUIRED:</u>		
1 SP/300 SF OFFICE GROSS AREA		40 SPACES
PROPOSED SPACES (INCLUDES 2 NEW HANDICAP)		42 SPACES

SITE NOTES

1. EXISTING UNDERGROUND UTILITIES ARE SHOWN ONLY WHERE EXISTENCE COULD BE FOUND TO VERIFY LOCATION. PRIOR TO CONSTRUCTION OF OR ANY OTHER WORK, THE CONTRACTOR SHALL VERIFY ALL UTILITY COMPANIES TO VERIFY THE LOCATION OF THEIR RESPECTIVE UTILITIES. ALL UTILITIES NOT SHOWN ON THE PLANS SHALL BE REPAIRED AT THE GENERAL CONTRACTOR'S EXPENSE.
2. ALL HANDICAP PARKING SPALLS SHALL BE PER THE DETAILS.
3. HANDICAP RAMPS, SIGNAGE AND PARKING SPACES SHALL BE PROVIDED BY THE CONTRACTOR AND INSTALLED PER THE DETAILS AND SPECIFICATIONS.
4. ALL DIMENSIONS ARE TO THE EDGE OF PAVEMENT OR TO THE CENTER OF SIDEWALK UNLESS OTHERWISE NOTED.
5. ALL RADII ARE TO THE EXTREMITY NOTED.
6. PARKING STALLS MUST BE STRIPED WITH A 4 INCH CONTRASTING STRIPE (YELLOW ON CONCRETE AND YELLOW ON ASPHALT).
7. HANDICAP PARKING SPACES WILL BE TO BE DESIGNATED BY BLUE STRIPING AND EITHER A BLUE SYMBOL ON A WHITE BACKGROUND OR A WHITE SYMBOL ON A BLUE BACKGROUND. ALL HANDICAP PARKING STALLS REQUIRE THE INSTALLATION OF THE PROPER SIGNAGE.
8. ALL PARKING SPACES SHALL BE STRIPED AND MARKED IN ACCORDANCE WITH THE SITE PLAN DIMENSIONS.
9. ALL WASTE MATERIAL SHALL BE DISPOSED OF OFF-SITE IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL LAWS AND REGULATIONS.
10. ALL TRAFFIC MOVEMENTS SHALL BE INSTALLED PER MOORE COUNTY AND STATE REGULATIONS.

 **4Dsite  
solutions**  
civil engineering | land surveying  
409 Chicago Drive, Suite 332, Fayetteville, NC 28306  
office | 910-426-5777 fax | 910-426-5777 license number | C-2354  
www.4dsitesolutions.com



## REVISIONS

FINAL DRAWING  
NOT RELEASED FOR CONSTRUCTION

**PROJECT NAME**

**7627 NC HWY  
211 RETAIL  
SPACE**

## SITE PLAN

**CLIENT**

**MB EQUITY, LLC**

20 Lock Lomond Court  
Pinehurst, North Carolina 27374  
Phone: (910) 638-1061

## PROJECT INFORMATION

DESIGNED BY:	CALEB
DRAWN BY:	CALEB
CHECKED BY:	SCOTT
PROJECT NUMBER:	1327

### DRAWING SCALE

HORIZONTAL: 1"=30'

DATE RELEASED

JUNE 23, 2020

**SHEET NUMBER**

# C-2.0



<b>ACCESSORY USES &amp; ACCESSORY BUILDINGS</b>	<b>RA-20</b>	<b>RA-40</b>	<b>RA-2</b>	<b>RA-5</b>	<b>GCSL</b>	<b>GCWL</b>	<b>RE</b>	<b>RA-USB</b>	<b>RA</b>	<b>P-C</b>	<b>VB</b>	<b>B-1</b>	<b>B-2</b>	<b>I</b>	<b>Specific Use Standards</b>	<b>Bldg. Code Group</b>
Accessory Uses & Buildings	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.1	R, S, U

<b>AGRICULTURAL USES</b>	<b>RA-20</b>	<b>RA-40</b>	<b>RA-2</b>	<b>RA-5</b>	<b>GCSL</b>	<b>GCWL</b>	<b>RE</b>	<b>RA-USB</b>	<b>RA</b>	<b>P-C</b>	<b>VB</b>	<b>B-1</b>	<b>B-2</b>	<b>I</b>	<b>Specific Use Standards</b>	<b>Bldg. Code Group</b>
Agricultural Uses and Buildings (Not a Bona Fide Farm)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.2	U
Bona Fide Farm	"Bona Fide Farm" exemption status is obtained through the Moore County Planning Department.														8.3	S, U

RESIDENTIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
SINGLE FAMILY HOUSEHOLD																
Accessory Dwelling Located within Stick Built Dwelling	P	P	P	P			P	P	P						8.4	R
Accessory Dwelling Located within Non-Residential Building											P	P	P		8.5	Mix
Accessory Manufactured Home	P	P	P	P			P	P	P						8.6	R
Accessory Stick Built Dwellings	P	P	P	P			P	P	P						8.7	R
Dwellings, Single Family	P	P	P	P	P	P	P	P	P						8.8	R-3
Dwellings, Duplexes	P	P				P	P								8.9	R-3
Family Care Home (6 or less)	P	P	P	P	P	P	P	P	P						8.10	I, R
Home Occupation, Level 1	P	P	P	P	P	P	P	P	P						8.11	R
Home Occupation, Level 2			Z	Z			Z		Z						8.12	R
Manufactured Home	P	P	P	P			P	P	P						8.13	R-3
Manufactured Home Park									Z						8.14	Mix
Personal Workshop / Storage Building	P	P	P	P			P	P	P						8.15	R, S
Planned Unit Development – Mixed Use	Conditional Rezoning to PUD-CZ is required.														8.16	Mix
MULTIFAMILY RESIDENTIAL																
Group Care Facility									Z			C	P		8.17	I, R
Multifamily Dwellings (3 or more units per lot)	Conditional Rezoning to MF-CZ is required.														8.18	R-2
Nursing Home	C	C	C	C					C			P	P		8.19	B, I



COMMERCIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
ANIMAL SERVICES																
Animal Shelter									Z					P	8.20	B
Animal Training Facility, Military									Z					P	8.21	B
Kennels, Overnight									Z			Z	Z	P	8.22	B
Pet Day Care, Grooming, Obedience Training									Z		P	P	P		8.23	B
Veterinary Clinic							P		Z		P	P	P		8.24	B
OFFICES & GENERAL SERVICES																
Automatic Teller Machine (ATM)											P	P	P	P	8.25	U
Beauty / Barber Shop / Nail Salon						P					P	P	P		8.26	B
Bed and Breakfast	Z	Z	Z	Z				Z	Z						8.27	
Dry Cleaning and Laundromat						P					P	P	P	P	8.28	B
Equestrian Cottage							Z								8.29	
Hotel and Motel													P		8.30	R-1
Office											P	P	P	P	8.31	B
Small Appliance Repair Shop											P	P	P	P	8.32	B
Trade Contractor Office and Workshop											P	Z	P	P	8.33	B, S
COMMERCIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
RETAIL SERVICES																
Auction House												P	P	P	8.34	A-3, B
Convenience Store						P			C		P	P	P	P	8.35	M
Feed and Seed Sales							C		C			P	P	P	8.36	B, M
Florist									P		P	P	P	P	8.37	B
Flea Market									Z			Z	P		8.38	B, M
Garden Center											P	P	P		8.39	M, U
Manufactured or Modular Home Sales													P	P	8.40	B
Restaurant						P					P	P	P	P	8.41	A-2
Retail											P	P	P		8.42	M
Shopping Centers													Z	C	8.43	M
Wholesales											C		P	P	8.44	M

COMMERCIAL USES (CONTINUED)	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
VEHICLE SERVICES																
Boat & RV Storage					P						P		Z		8.45	S-1
Car Wash or Auto Detailing											P	P	P	P	8.46	B
Commercial Truck Wash												C	P	P	8.47	B
Parking Lot as principal use of lot											P	P	P	P	8.48	S-2
Taxi Service												Z	P	P	8.49	B, A-3
Vehicle, Auto Parts, Tires, Farm Equipment, Boat, RV - Sales, Rental, or Service											P	P	P	P	8.50	B, S-1
Vehicle Service Stations (Gas Stations)											Z	P	P	P	8.51	M
Vehicle Wrecker Service												Z	Z	P	8.52	S-1
ADULT USES																
Adult Gaming Establishments														C	8.53	B
Bars / Tavern											C		P		8.54	A-2
Brewery / Winery									C		P		P	P	8.55	A-2, F
Dance Club, Night Club, Billiard											Z		P		8.56	A-2, A-3
Distillery														P	8.57	F-1
Massage & Bodywork Therapy Practice, Unlicensed													P		8.58	B
Pawn Shop											Z		P	P	8.59	B
Sexually Oriented Business														Z	8.60	A-2, M
Tattoo Parlor, Body Piercing													P		8.61	B

EDUCATIONAL & INSTITUTIONAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Cemetery or Mausoleum, Commercial			C	C			C		C			P			8.62	n/a
Cemetery, Family	P	P	P	P	P	P	P	P	P						8.63	n/a
Child Care Facility	C	C	C	P		C	C	C	C		C	P	P		8.64	E, I
Child Care Home Facility	C	P	P	P			C	C	P						8.65	E, R
Colleges, Business & Trade Schools									C				P	P	8.66	B
Funeral Home, accessory crematorium											P	P	P	P	8.67	A-3, B
Government Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.68	B
Hospital	P	P	P	P	C	C	P	P	P	P		P	P	P	8.69	I
Museums and Art Galleries									C		P	P	P		8.70	A-3
Religious Institutions	P	P	P	P	P		P	P	P	P	P	P	P		8.71	A-3, E
Security Training Facility									C						8.72	B
Schools, Elementary, Middle, High												P	P		8.73	E

RECREATIONAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Accessory, Swimming Pool	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.74	A, R
Airport, Public or Private									C					Z	8.75	A-3, B
Airstrip, Small Private									C			P			8.76	B
Assembly Hall						Z			Z		Z		Z	P	8.77	A-4, A-5
Camp or Care Centers									P						8.78	A-3, R-1
Campground, Public and Private									P						8.79	A-3, R-1
Camp, Recreation Day									P						8.80	A-3
Civic / Social Club, Lodge, & Organization			P	P	C	C			C		P	P	P		8.81	A-2, A-3
Golf Driving Range					C	C				P			P		8.82	A-3
Golf Course, including Par 3					C	C				P			P		8.83	U
Marina (fuel supplies)					P	P									8.84	M
Neighborhood Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.85	U
Recreation, Indoor											C	C	P		8.86	A-5
Recreation, Low Impact Outdoor		P P	P	P	P	P	P	P	P		C	P	P		8.87	A-5
Recreation, High Impact Outdoor									Z		Z		P		8.88	
Shooting Range, Indoor									Z				P		8.89	A-5
Shooting Range, Outdoor									Z				P		8.90	A-5
Zoo, Petting Zoo									Z				P		8.91	A-5, U

INDUSTRIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
PRODUCTION																
Manufacturing, Light (no odors, no smoke)														P	8.92	F
Manufacturing, General														Z	8.93	F-1, F-2
UTILITIES / SERVICES																
Amateur Radio and Receive-only Antennas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.94	U
Contractors Storage Yard and Office									Z				P	P	8.95	S-1, U
Crematorium Facility													Z	P	8.96	B
Public & Private Utility Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.97	U
Solar Collector Facility														C	8.98	U
Solar Collectors, On-Site Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.99	U
Wireless Communication Facility									Z				Z	Z	8.100	U
Collocation on Existing WCF	P	P	P	P			P	P	P	P	P	P	P	P	8.101	U

INDUSTRIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
WAREHOUSING																
Mini-Warehouse (Self-Service)						P					Z	Z	P	P	8.102	S
Warehousing and/or Distribution Center									Z				C	P	8.103	S-1, S-2
WASTE RELATED SERVICES																
Debris Management Facility									Z			Z		P	8.104	U
Hazardous Waste /Toxic Chemicals Disposal or Processing														C	8.105	U
Landfill														C	8.106	U
Mining / Quarry Operation									Z					C	8.107	U
Salvage Yard														C	8.108	U

TEMPORARY USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Construction Office, Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.109	S-1
Drop-In Child Care Facility											P	P	P		8.110	
Itinerant Merchant											P	P	P	P	8.111	n/a
Land Clearing	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.112	F-1
Manufactured Home or RV, Temporary	P	P	P	P			P	P	P						8.113	R-3
Real Estates Office, Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.114	S-1
Temporary Events (Special Event)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.115	n/a
Yard Sales, Residential and Civic	P	P	P	P	P	P	P	P	P			P	P		8.116	n/a

OTHER USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Major Subdivision – Residential (1)	C	C						C							18.6-18.11	Mix
Major Subdivision – Non-Residential (Business Park)													C	C	18.6-18.11	Mix

**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**Conditional Rezoning Request**  
**Highway Commercial (B-2) to Highway Commercial Conditional Zoning**  
**(B2-CZ) – Shopping Center**

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Recommendation 1.7: Support and promote local businesses
- Action 1.8.8: Support and promote infill development that will optimize the use of existing infrastructure.

Goal 3: Optimize the Uses of Land Within the County of Moore

- Goal 3.1: Maximize accessibility among living, working, and shopping areas
- Recommendation 3.4: Encourage development in areas where the necessary infrastructure (roads, water, sewer, and schools) are available, planned or most cost-efficiently be provided and extended to serve development.

2. The rezoning request is reasonable and in the public interest considering the property is located adjacent to the Village of Pinehurst and Town of Taylortown communities and has availability of public water.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the Conditional Rezoning from Highway Commercial (B-2) to Highway Commercial Conditional Zoning (B2-CZ) for a shopping center, located on an approximate 1.97 acre parcel, located at 7627 NC Hwy 211, West End.

---

Joe Garrison, Chair  
Moore County Planning Board

---

Date



**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**Conditional Rezoning Request**  
**Highway Commercial (B-2) to Highway Commercial Conditional Zoning**  
**(B2-CZ) – Shopping Center**

The Moore County Planning Board finds that:

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Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

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Goal 3: Optimize the Uses of Land Within the County of Moore

- Goal 3.1: Maximize accessibility among living, working, and shopping areas
- Recommendation 3.4: Encourage development in areas where the necessary infrastructure (roads, water, sewer, and schools) are available, planned or most cost-efficiently be provided and extended to serve development.

4. The proposed rezoning is not reasonable and not in the public interest because the proposed rezoning will have an unreasonable impact on the surrounding community.

Therefore, the Moore County Planning Board recommends **DENIAL** of the Conditional Rezoning from Highway Commercial (B-2) to Highway Commercial Conditional Zoning (B2-CZ) for a shopping center, located on an approximate 1.97 acre parcel, located at 7627 NC Hwy 211, West End.

---

Joe Garrison, Chair  
Moore County Planning Board

---

Date

**COMMUNITY MEETING REPORT**  
**Wednesday June 17, 2020 5:30 p.m. – 7:00 p.m.**  
**Proposed Shopping Center – 7627 NC Hwy 211 West End, NC**

**Community Members Present:**

Jermonica Lindsey, James Lindsey

**Applicant's Representative Present:**

Bernie Schaub, Melissa Schaub, Scott Brown  
(4D Site Solutions)

**Planning Staff Present:**

Debra Ensminger, Dervin Spell, Stephanie  
Cormack

Debra Ensminger began the meeting by discussing the proposed shopping center that the applicant is pursuing through the conditional rezoning request. Scott Brown later presented the site plan of the proposed facility for the members of the community to review. The community members that were in attendance did not have any objections to the proposed conditional rezoning.

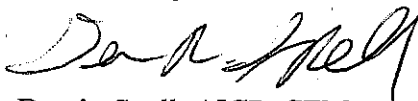
List of those notified of the Community Meeting (certified mailings to adjacent properties):

4D SITE SOLUTIONS, INC	MB EQUITY LLC
ADAMS, DANIEL E & TRACI W	SCHAUB, BERNIE
BROCK HOLDINGS, LLC	SHAFFER, LEONARD B & KATHERINE W
LINDSEY'S ENTERPRISE, LLC	

**Attachments:**

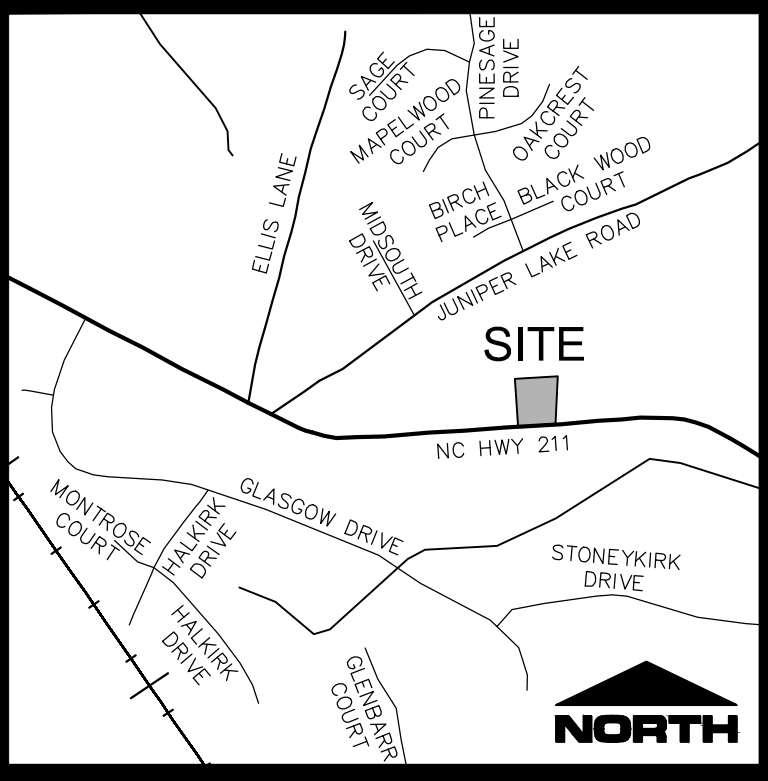
- Site plans presented at the Community Meeting

Submitted by,



Dervin Spell, AICP, CFM

Planner – Moore County Planning and Transportation



### VICINITY MAP NOT TO SCALE

LEGEND:  
EOM - EXISTING CONCRETE MONUMENT  
EIP - EXISTING IRON PIPE  
EPK - EXISTING PK NAIL  
ERB - EXISTING REBAR  
N/F - NOW OR FORMERLY  
R/W - RIGHT OF WAY  
CPP - CORRUGATED PLASTIC PIPE  
RCP - REINFORCED CONCRETE PIPE  
CI - CURB INLET  
DI - DROP INLET

PROPERTY LINE  
ADJACENT PROPERTY LINE  
RIGHT-OF-WAY  
SETBACK LINE  
SD - STORM DRAINAGE  
OVERHEAD UTILITY  
PERMANENT EASEMENT  
FENCE LINE  
TREE LINE  
500 - MAJOR CONTOUR  
507 - MINOR CONTOUR

X 508.47' SPOT ELEVATION

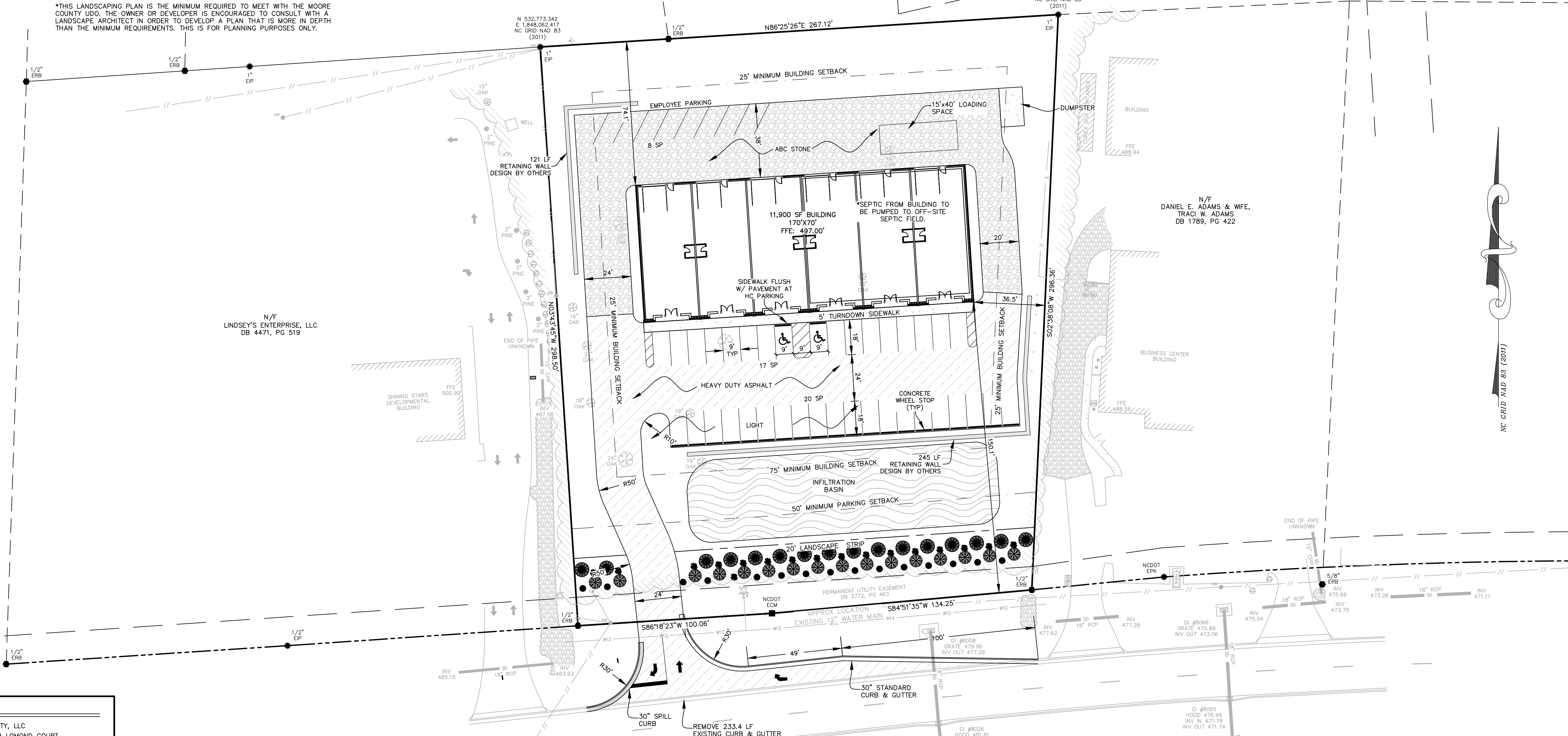
BENCHMARK  
SIGN  
BOLLARD  
MAILBOX  
HVAC UNIT  
UTILITY POLE  
GUY WIRE  
WATER VALVE  
FIRE HYDRANT  
WATER METER  
IRRIGATION VALVE  
CATCH BASIN  
DROP INLET  
HARDWOOD TREE  
PINE TREE  
SHRUB  
RIP RAP/GRAVEL  
ASPHALT  
CONCRETE  
BUILDINGS

QTY.	TYPE	PLANTING SIZE	MIN. HEIGHT	SCIENTIFIC NAME
CANOPY TREES				
16	DECIDUOUS SHADE TREE	N/A	6'	N/A
16	EVERGREEN SHADE TREE	N/A	6'	N/A
SHRUBS				
15	DECIDUOUS	N/A	5'	N/A
17	EVERGREEN	N/A	5'	N/A

#### LANDSCAPING NOTES

- EXISTING VEGETATION TO BE USED TO MEET BUFFER REQUIREMENTS WHEREVER POSSIBLE.
- TREES SHALL BE A MINIMUM HEIGHT OF 6' AT TIME OF PLANTING AND SHALL BE INTENDED TO GROW TO A HEIGHT OF 10' WITHIN 2 YEARS.
- SHRUBS SHALL BE A MINIMUM HEIGHT OF 5' AT TIME OF PLANTING AND SHALL BE INTENDED TO GROW TO A HEIGHT OF 10 FEET WITHIN 2 YEARS.
- HEIGHT AND SPREAD OF TREE SPECIMEN SHALL MEET REQUIREMENTS OF THE AMERICAN ASSOCIATION OF NURSERMEN, AMERICAN STANDARD FOR NURSERY STOCK.

\*THIS LANDSCAPING PLAN IS THE MINIMUM REQUIRED TO MEET WITH THE MOORE COUNTY UDO. THE OWNER OR DEVELOPER IS ENCOURAGED TO CONSULT WITH A LANDSCAPE ARCHITECT IN ORDER TO DEVELOP A PLAN THAT IS MORE IN DEPTH THAN THE MINIMUM REQUIREMENTS. THIS IS FOR PLANNING PURPOSES ONLY.

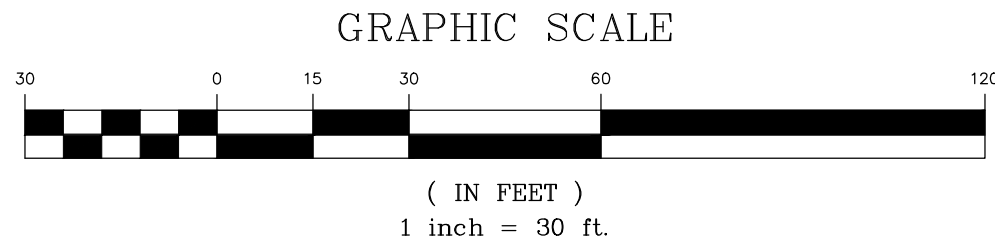


#### SITE DATA

DEVELOPER	MB EQUITY, LLC
MAILING ADDRESS	20 LOCK LOMOND COURT
CITY, STATE	PINEHURST, NORTH CAROLINA 28374
PIN NUMBER	854316822603
TOWNSHIP	MINERAL SPRINGS
TOTAL SITE ACREAGE	1.71 ACRES
ACREAGE TO BE DEVELOPED	1.71 ACRES
ZONING	B-2
EXISTING USE	UNDEVELOPED
PROPOSED USE	OFFICE/RETAIL
DISTURBED/DENUDED AREA	1.86 ACRES
SETBACKS REQUIRED:	
FRONT	50 FT
SIDE	25 FT
REAR	25 FT
IMPERVIOUS CALCS:	
TOTAL SITE AREA	74,483 SF
PRE-DEVELOPMENT	0 SF 0%
POST-DEVELOPMENT	39,831 SF 53.5%
PARKING:	
REQUIRED	
1 SP/300 SF OFFICE GROSS AREA	40 SPACES
PROPOSED SPACES (INCLUDES 2 NEW HANDICAP)	45 SPACES

#### SITE NOTES

- EXISTING UNDERGROUND UTILITIES ARE SHOWN ONLY WHERE EVIDENCE COULD BE FOUND TO VERIFY LOCATION. PRIOR TO CONSTRUCTION OR EXCAVATION OF THE SITE, THE GENERAL CONTRACTOR SHALL VERIFY ALL UTILITY COMPANIES TO VERIFY THE LOCATION OF THEIR RESPECTIVE UTILITIES. ALL DAMAGE INCURRED TO EXISTING UTILITIES DURING CONSTRUCTION SHALL BE REPAIRED AT THE GENERAL CONTRACTOR'S EXPENSE.
- ASPHALT AND BASE TYPE SHALL BE PER THE DETAILS.
- HANDICAP RAMPS, SIGNAGE AND PARKING SPACES SHALL BE PROVIDED BY THE CONTRACTOR AND INSTALLED PER FEDERAL ADA AND LOCAL REQUIREMENTS.
- ALL DIMENSIONS ARE TO THE EDGE OF PAVEMENT OR TO THE FACE OF SIDEWALK UNLESS OTHERWISE NOTED.
- ALL RADII ARE 5' UNLESS OTHERWISE NOTED.
- PARKING STALLS MUST BE STRIPED WITH A 4 INCH CONTRASTING STRIPE (YELLOW ON CONCRETE AND YELLOW OR WHITE ON ASPHALT PARKING LOT).
- HANDICAP PARKING SPACES ARE TO BE DESIGNATED BY BLUE STRIPING AND EITHER A BLUE SYMBOL ON A WHITE BACKGROUND OR A WHITE SYMBOL ON A BLUE BACKGROUND. ALL HANDICAP PARKING STALLS REQUIRE THE INSTALLATION OF THE PROPER SIGNAGE.
- ALL PARKING SPACES ARE TO BE LAID OUT IN ACCORDANCE WITH THE SITE PLAN DIMENSIONS.
- ALL WASTE MATERIAL SHALL BE DISPOSED OF OFF-SITE IN ACCORDANCE WITH STATE AND LOCAL LAWS AND REGULATIONS.
- ALL SITE IMPROVEMENTS SHALL BE INSTALLED PER MOORE COUNTY AND STATE REGULATIONS.



#### REVISIONS

FINAL DRAWING  
NOT RELEASED FOR CONSTRUCTION

#### PROJECT NAME

**7627 NC HWY  
211 RETAIL  
SPACE**

#### SITE PLAN

#### CLIENT

**MB EQUITY, LLC**

20 Lock Lomond Court  
Pinehurst, North Carolina 27374  
Phone: (910) 638-1061

#### PROJECT INFORMATION

DESIGNED BY:	CALEB
DRAWN BY:	CALEB
CHECKED BY:	SCOTT
PROJECT NUMBER:	1327

#### DRAWING SCALE

HORIZONTAL: 1"=30'

#### DATE RELEASED

JUNE 1, 2020

#### SHEET NUMBER

**C-2.0**

7627 NC Hwy 211- B-2-CZ - Shopping Center

Community Meeting

17-Jun-20

NAME

Address

BERNIE SCHAUB	20 LOCH LOMOND CT	PINEHURST
Melissa Schaub	20 Loch Lomond Ct	Pinehurst
Steph Cormack	1048 Carriage Oaks Dr	Carthage
Derrin Speltz	1048 Carriage Oaks Dr.	Carthage
Jermonica Lindsey	7613 NC Hwy 211	West End
James Lindsey	7613 NC Hwy 211	West End
Scott Brown	409 Chicago Drive Ste 112	<del>Fayette</del> Fayetteville
Debra Ensminger	1048 Carriage Oaks Drive	Carthage



For Registration Register of Deeds

Judy D. Martin

Moore County, NC

Electronically Recorded

June 9, 2017 11:27:52 AM

Book: 4827 Page: 215 - 218 #Pages: 4

Fee: \$26.00 NC Rev Stamp: \$270.00

Instrument # 2017008243

Prepared by: James E. McNeill of Clarke, Phifer, Vaughn, Brenner &amp; McNeill, PLLC,

No Title Search

Index Description: 1.97 acres, Mineral Springs Township

Stamps: \$270.00

**GENERAL WARRANTY DEED**THIS DEED made this 7th day of June, 2017, by and between:**GRANTOR**

**FRED FRANKLIN ARNETTE,  
III, AS SUCCESSOR TRUSTEE  
OF THE JANICE L. ARNETTE  
TRUST, U/A/D  
DECEMBER 7, 2009**

**906 Derricks Crossing  
Ft. Mill, SC 29708**

**GRANTEE****BERNIE SCHAUB**

Tax Address:

20 Loch Lomond Court  
Pinehurst, NC 28374

The terms Grantor and Grantee, as used herein, shall include said Parties, their heirs, successors and assigns, and shall include the singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that Grantor, for valuable consideration paid by Grantee, the receipt and sufficiency of which is hereby expressly acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, all that certain lot or parcel of land situated in Mineral Springs Township, Moore County, North Carolina and more particularly described as follows:

submitted electronically by "Clarke, Phifer, Vaughn, Brenner & McNeill, PLLC"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Moore County Register of Deeds.



**See Attached Exhibit "A" incorporated herein**

This conveyance is made subject to (i) restrictive covenants of record affecting the property; (ii) easements and rights-of-way of record affecting the property; (iii) county and/or municipal zoning laws, ordinances and regulations; (iv) matters disclosed on any map or plat referenced above; and (v) the lien for ad valorem property taxes for the year of this conveyance, to be prorated at closing.

The property being conveyed herein does \_\_\_\_ or does not X contain the principal residence of the Grantor.

The property hereinabove conveyed was acquired by Grantor pursuant to the Last Will and Testament of Janice Louise Arnette admitted to probate in Moore County Clerk of Court file 11-E-396. For further reference, see Book 564, Page 116, Moore County Register of Deeds.

This Deed was prepared without a review or examination of the above described property title and no opinions or representations are being made either expressly or impliedly by the drafter of this Deed.

AND GRANTOR COVENANTS with Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except with respect to the exceptions expressly stated herein.

TO HAVE AND TO HOLD the property described herein and all privileges and appurtenances thereto belonging to Grantee in fee simple.

{Acknowledgments on Following Page}

IN WITNESS WHEREOF, Grantor has hereunto set his hand and seal, the day and year first above written.

JANICE L. ARNETTE TRUST U/A/D  
DECEMBER 7, 2009

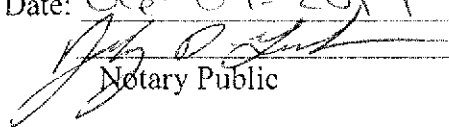
By:  (SEAL)

FRED FRANKLIN ARNETTE, III,  
SUCCESSOR TRUSTEE

STATE OF North Carolina  
COUNTY OF Mecklenburg

I, Johnny Guthrie, certify that the following person(s) personally appeared before me this day, and (I have personal knowledge of the identity of the principal(s)) (I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principle's photograph in the form of a NC Drivers license) (a credible witness has sworn to the identity of the principle(s)); each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Fred Franklin Arnette III, as Successor Trustee of the Janice L. Arnette Trust, u/a/d December 7, 2009.

Date: Dec-07-2009

  
Notary Public

(Official Seal)

My commission expires: March 29, 2020

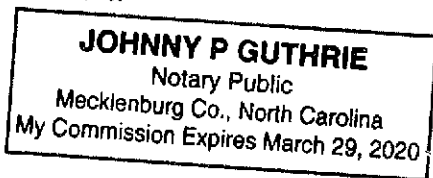


EXHIBIT "A"

A certain tract or parcel of land situated in Mineral Springs Township; Moore County, North Carolina, fronting on the north side of N.C. Highway 211, about 500 yards east of its intersection with State Road No. 1216, being bounded on the west of Edu-Care, on the north by Blazek and on the east by Daniel Adams Construction Co., further described as follows: BEGINNING at a corner in the center of N.C. Highway 211 (100 feet wide), said Beginning corner being located N. 89°07'23" E. 300.00 feet from the southwest corner of the Helmut Blazek tract as recorded in Deed Book 470, page 512, in the Moore County Registry, and being the southeast corner of the Edu-Care 1.2 acre tract; and running thence as its east line, N. 0°57'18" W. 50.00 feet to an iron pipe; thence continuing as a straight line, N. 0°57'18" W. 298.68 feet to an iron pipe near a power pole, the northeast corner of the Edu-Care lot; thence as a new line, N. 89°21'22" E. 267.14 feet to an iron pipe, the northwest corner of the Daniel Adams Construction Company 1.2 acre lot; thence as its west line, S. 5°33'57" W. 299.79 feet to an iron pipe; thence continuing as a straight line, S. 5°33'57" W. 49.08 feet to a corner in the center of N.C. Highway 211; thence as its centerline, S. 88°53'27" W. 227.52 feet to the BEGINNING, containing 1.97 acres, more or less of which 0.26 acres lies within the right of way of N.C. Highway 211.

EXCEPTING from the above-described property the following described parcel:

Point of beginning being a point in the southeast line of the undersigned, and being N 09°25'54" E, 78.57 feet from of a Point in the Center Line of -L-, Sta. 229+00; thence to a point on a bearing of N 86°09'24" E, a distance of 133.6 feet (40.72 meters); thence to a point on a bearing of N 02°40'03" E, a distance of 3.4 feet (1.05 meters); thence to a point on a bearing of S 84°41'44" W, a distance of 134.0 feet (40.85 meters); returning to the point and place of beginning.

**MEMORANDUM TO THE PLANNING BOARD**

**FROM:** Debra Enslinger  
Planning & Transportation Director

**DATE:** May 26, 2020

**SUBJECT:** Conditional Rezoning Request: Residential and Agriculture -40 (RA-40) to Rural Agricultural Conditional Zoning (RA-CZ) – Mining

**PRESENTER:** Dervin Spell

**REQUEST**

Chad Harris is requesting a Conditional Rezoning from Residential and Agriculture -40 (RA-40) to Rural Agricultural Conditional Zoning (RA-CZ) for a mining operation, located at ParID 00029785, the total being approximately 8.04 acres, located on Partridge Lane in West End, owned by Johnny Harris Trucking, Inc. per Deed Book 4453 Page 337.

Public notification consisted of publishing a legal notice in the local newspaper for two consecutive weeks, notification by mail to adjacent property owners, and placing public hearing signs on the property.

**BACKGROUND**

The applicant is requesting an expansion of the existing sand mine to approximately 8.04 acres. The property is undeveloped. Adjacent land uses include single family homes and a sand mine.

The adjacent sand mine has been in operation since 1997. The original mining location is located on 3 adjacent parcels (ParID 96000516, 00019634, 9700046) consisting of approximately 60 acres. Johnny Harris received conditional use district approval to expand the mine to an additional 3 parcels (approximately 37.28 acres total) on May 19, 2008 (ParID 20000071, 00990775, 00013973).

The property also consists of a 3 acre land clearing and inert debris facility, approved as an accessory use to the mine in 2017. The LCID business expanded to approximately 15.17. The remaining approximate 22.11 acres will remain RA-CUD – Mining.

**COMMUNITY MEETING**

The community meeting was conducted at the Moore County Agricultural Center on June 16, 2020 between 5:30pm and 6:30pm. Adjacent properties were notified by certified return receipt mail, sent on June 5, 2020. Please refer to attached report for more details.

**CONDITIONAL ZONING (CZ)**

Conditional rezoning affords a degree of certainty in land use decisions not possible when rezoning to a general district. Conditional Zoning Districts are established to provide for

flexibility in the development of property while ensuring that the development is compatible with neighboring uses. Pursuant to NCGS 153A-342, conditional zoning districts requires the approval of a rezoning by the Moore County Board of Commissioners and approval of a site specific development plan allowing for the development of specific land uses. Parallel conditional zoning districts are restricted to those uses (meaning either one or multiple uses) listed in the corresponding general use zoning district.

The request shall be in compliance with all relevant portions of the UDO, except that variations from these standards may be approved by the Board of Commissioners if the site plan is submitted and determined to be suitable for the request, is consistent with the intent of the standards, and ensures compatibility with land uses on surrounding properties.

Specific additional conditions applicable to the rezoning request may be proposed by the applicant, the Planning Board, or Board of Commissioners. Only those conditions mutually approved by the county and the applicant may be incorporated into the permit requirements. If a proposed condition is unacceptable to the owner, the petition can be withdrawn and the proposed rezoning cannot go forward. Likewise, if a condition is unacceptable to the Board of Commissioners, the petition can be denied and there is no rezoning.

Per NCGS 153A-342(B), conditions and site-specific standards shall be limited to those that address the conformance of development and use of the site to County ordinances and officially adopted plans and those that address the impacts reasonably expected to be generated by the development or use of the site.

### **ZONING DISTRICT COMPATIBILITY**

Adjacent properties are zoned Residential and Agricultural-40 (RA-40) and RA-CUD (Mining). The requested rezoning to Rural Agricultural Conditional Zoning (RA-CZ) for a mining operation is consistent with the Rural Agricultural (RA) zoning district.

The Unified Development Ordinance states the intent of the Rural Agricultural (RA) District is intended to encourage the continuance of agricultural uses as well as to ensure that residential development of appropriate intensities that area consonant with the suitability of land, availability of public services, and that are compatible with surrounding development, will occur at appropriate densities to provide a healthful environment.

The RA District is also intended to accommodate rural commercial activities where the use of site specific development plans, individualized development conditions, vegetative buffers, larger lots, and the compatibility of adjacent land uses are considered to provide suitable locations for rural commerce and other rural activities.

### **CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN**

The site has a Rural Agricultural Land Use Classification. The requested zoning to Rural Agricultural Conditional Zoning (RA-CZ) for a sand mine is compatible with the Rural Agricultural Land Use Classification. The Land Use Plan states the primary use of the Rural Agricultural Land Use Classification is to support rural residential life associated with agricultural uses and other rural activities. The requested rezoning to Rural Agricultural Conditional Zoning District (RA-CZ) for a sand mine is consistent with rural activities.



The rezoning request is also consistent with several goals as included in the attached Land Use Plan Consistency Statement, including: Recommendation 1.7: Support and promote local businesses and Action 1.8.8: Support and promote infill development that will optimize the use of existing infrastructure.

### **MOORE COUNTY COMPARISON LAND USE MAP**



### **RECOMMENDATION**

Staff recommends the Moore County Planning Board make two separate motions:

**Motion #1:** Make a motion to adopt the attached **Approval** or **Denial** Moore County Planning Board Land Use Plan Consistency Statement and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341.

**Motion #2:** Make a motion to recommend **Approval** or **Denial** to the Moore County Board of Commissioners of the Conditional Rezoning from Residential and Agriculture -40 (RA-40) to Rural Agricultural Conditional Zoning (RA-CZ) for a mining operation, located at ParID 00029785, the total being approximately 8.1 acres, located on Partridge Lane in West End,

### **ATTACHMENTS**

- Pictures of Property and Adjacent Properties
- Vicinity Map
- Land Use Map
- Rezoning Map
- Submitted Rezoning Application
- Submitted Site Specific Development Plan
- Submitted Reclamation Plan

- Planning Board Consistency Statement – Approval
- Planning Board Consistency Statement – Denial
- Community Meeting Report
- Deed Book 4453 Page 337

**View of Rubicon Road from Partridge Lane**





## Views of Partridge Land

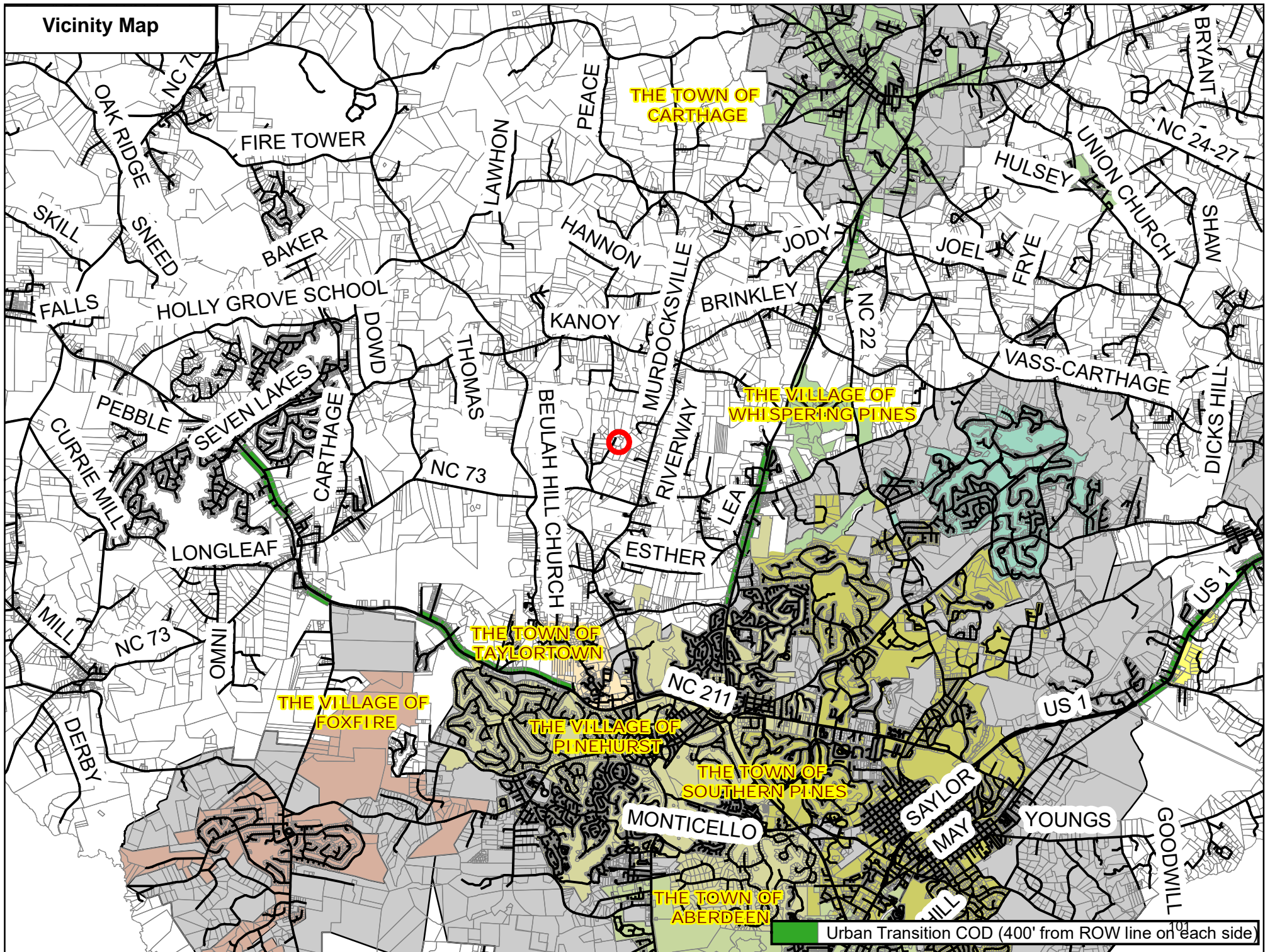


**356 Partridge Lane (located app. 600 feet south of the subject property)**





Vicinity Map



Urban Transition COD (400' from ROW line on each side)



# Land Use Map





Zoning Map

Shaded area requested  
to be rezoned to RA-CZ

RA-40

PARTRIDGE

RA-CUD

RA-CZ

28740

# County of Moore Planning and Transportation




Inspections/Permitting: (910) 947-2221  
 Planning: (910) 947-5010  
 Transportation: (910) 947-3389  
 Fax: (910) 947-1303

## Conditional Rezoning Application

Application Date: January 23, 2020			
Address of Property: 310 Rubicon Road, West End, NC 27376 (Parcel ID 00029785)			
Applicant: Chad Harris		Phone: 910-947-2112	
Applicant Address: 4291 Dowd Road	City: Carthage	St: NC	Zip: 28327
Owner: Johnny Harris Trucking Inc		Phone: 910-947-2112	
Owner Address: 4291 Dowd Road	City: Carthage	St: NC	Zip: 28327
Current Zoning District: RA-40	Proposed Zoning District: RA-CZ		
Current Use(s): Residential and Agricultural - 40	Proposed Use(s): Mining		
Proposed rules, regulations, condition(s) for the proposed district that address the impacts expected to be generated by the development or use of the site:			
N.C. Mining Act of 1971 - G.S. 74, Article 7			
NCAC Title 15A, Chapter 5: Mining: Mineral Resources			
Statement of reasonableness of the proposed conditional zoning. The statement shall include, but not be limited to the following:			
1. The conditional rezoning compatibility with the County Land Use Plan and other adopted plans of the County.			
2. The conditional rezoning compatibility with the existing land uses on abutting and neighboring tracts.			
3. The benefits and detriments of the conditional rezoning for the subject property, neighboring properties and the surrounding community.			
The intended use is mining (Current Parcel ID: 00029785)			
1. Compatibility with the County Land Use Plan will be maintained.			
2. Mining of the property will be permitted for disturbance through NCDEQ.			
3. Existing land uses on abutting and neighboring tracts will be maintained and no impact is anticipated.			

I (We), the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests or information as designated by the County of Moore Zoning Administrator.



1-23-20

Applicant/Owner Signature

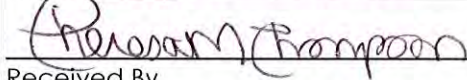
Date

Applicant/Owner Signature

Date

Office Use Only:

PAR ID: 00029785



1-23-2020

Received By

Date

# HARRIS PIT #2

WEST END, NC

## CONDITIONAL REZONING FOR MINING OPERATIONS

OWNER:

NAME: JOHNNY HARRIS TRUCKING, INC.  
OWNER ADDRESS: 4291 DOWD ROAD  
CARTHAGE, NC 28327  
PARCEL ID #: 00029785  
PROPERTY ADDRESS: 310 RUBICON ROAD  
WEST END NC 27376  
PROPERTY ACREAGE: 8.04  
DEED BOOK & PAGE: BOOK 4453, PAGE 337

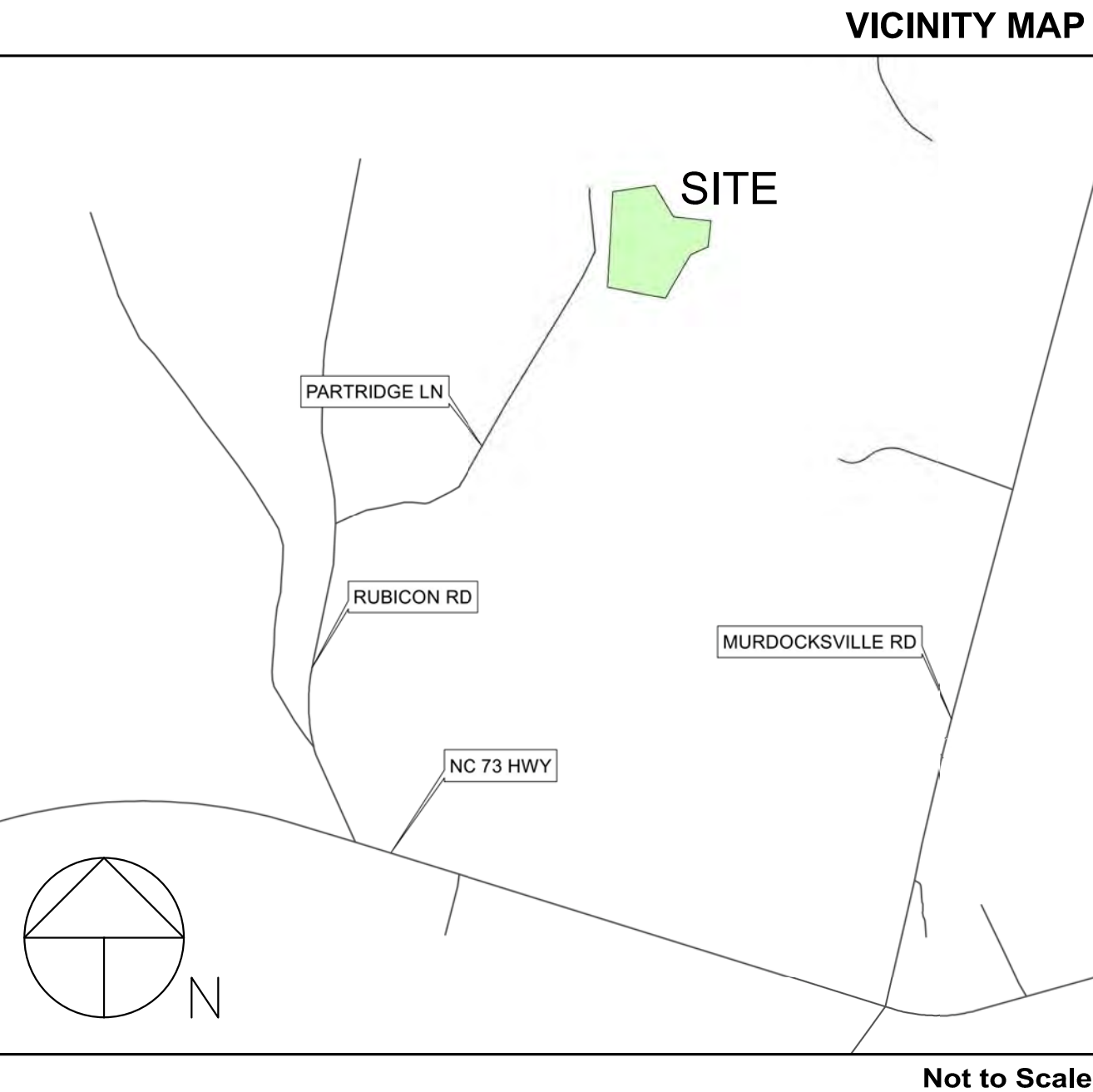
REFERENCE:

Deed Book 166, Page 109  
Deed Book 161, Page 394  
Deed Book 1688, Page 326  
Deed Book 2173, Page 4  
Deed Book 2931, Page 51  
Deed Book 2946, Page 254  
Deed Book 3674, Page 346  
Deed Book 4787, Page 210  
Deed Book 5121, Page 306  
Plat Cabinet 1, Slide 157B  
Plat Cabinet 9, Slide 970  
Plat Cabinet 14, Slide 870  
Plat Cabinet 18, Slide 193  
Moore County Registry

SITE DATA TABLE	
PROJECT NAME	HARRIS PIT #2
TOWNSHIP	MINERAL SPRINGS
ZONING	RA-CUD
CURRENT USE	RESIDENTIAL & AGRICULTURAL-40
PROPOSED USE	MINING
RIVER BASIN	CAPE FEAR
SWC	WS-III:HQW (HIGH QUALITY WATER)
WATERSHED	WS-III-BW (BALANCE OF WATERSHED)
TOTAL PROJECT AREA	8.04 ACRES
TOTAL DISTURBED AREA	6.30 ACRES

DEVELOPER:  
JOHNNY HARRIS TRUCKING, INC.  
CHAD HARRIS  
4291 DOWD ROAD  
CARTHAGE, NC 28327  
PH: (910) 947-2112  
HARRISTRUCKING@LIVE.COM

CIVIL ENGINEER:  
SNS ENGINEERING, INC.  
SCOTT MATTHEWS, P.E.  
180 PERRY DRIVE  
SOUTHERN PINES, NC 28387  
PH: (910)246-0038  
SCOTT@SNSENGINEERS.COM



SHEET INDEX	
SHEET	TITLE
C00	COVER
C01	MINING DEVELOPMENT PLAN



ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH  
MOORE COUNTY UNIFIED DEVELOPMENT ORDINANCE  
AND NCDEQ STANDARDS AND SPECIFICATIONS.

CLIENT:  
JOHNNY HARRIS TRUCKING, INC.  
4291 DOWD ROAD  
CARTHAGE, NC 28327

HARRIS PIT #2

COVER

SHEET DESCRIPTION:

REVISIONS:



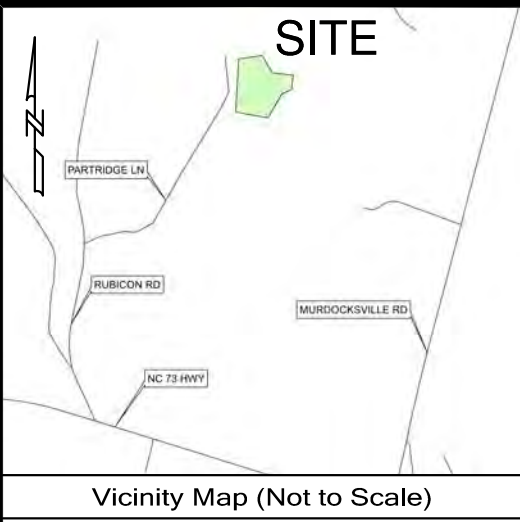
**SNS**  
ENGINEERING  
Engineering-Surveying-Planning  
180 Perry Drive  
Southern Pines, NC 28387  
Phone: (910) 246-0038  
NC License # C-3791  
www.snsengineers.com

**PRELIMINARY**  
**DO NOT USE FOR**  
**CONSTRUCTION**

PROJECT NUMBER:	18115
DRAWN BY:	RR
SCALE:	N/A
DATE:	1-30-20
SHEET NUMBER:	C00

IT WILL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CONTACT THE NORTH CAROLINA ONE CALL CENTER AT 1-800-632-4949 A MINIMUM OF 48 HOURS PRIOR TO SITE EXCAVATION, GRADING, OR DIGGING TO HAVE THE EXISTING UTILITIES LOCATED.





**Legend:**

- ⊙ = Iron Pipe Found
- = Iron Rod Found
- = Concrete Monument Found
- ▲ = PK Nail Found
- △ = PK Nail Set
- = Calculated Point
- = Existing Right of Way
- - - = Proposed Right of Way
- = Boundary Line
- - - = Adjacent Property Lines not Surveyed
- - - = Existing Setback Lines
- - - = Proposed Setback Lines
- - - = Existing Contour
- - - = Proposed Contour
- - - = Approximate Location of Existing Waterline
- - - = Proposed 6" Waterline
- - - = Approximate Location of Existing Gas line
- - - = Existing Sanitary Sewer Line
- - - = Proposed 8" Sanitary Sewer Line
- - - = Existing Easement
- - - = Proposed Easement
- - - = Existing Overhead Utility
- - - = Existing Underground Utility
- - - = Existing Utility Pole

**GENERAL NOTES:**

- This map is not in accordance with GS 47-30.
- Area by coordinate method.
- Dashed lines not surveyed, drawn from information as indicated.
- All distances are horizontal ground distance.
- There are no visible encroachments other than those shown hereon.
- Property does not lie in a designated FEMA Special Flood Hazard Area per: FIRM No. 3710855500J with an effective date of 10/17/2006.
- Location of underground utilities, if shown, are based on visible evidence or drawings provided to the surveyor. Location of underground utilities and structures may vary from shown locations. Additional utilities may exist. Local utility companies should be consulted for further information on utilities affecting the property.
- This survey was done without the benefit of an attorney's title search which could disclose zoning, restrictive covenants, easements not visible to the surveyor, building setbacks, or other information which could affect the surveyed property.

**BUFFER NOTES:**

- CHAPTER 8: SPECIFIC USE STANDARDS  
Section 8.107: Mining/Quarry Operation  
B. Standards. A vegetative buffer not less than 50 feet in width shall be provided along all boundaries of the affected land.
- CHAPTER 7: GENERAL DEVELOPMENT STANDARDS  
Section 7.11: Non-Residential Screening  
D. Type 3: Screening Types: Existing undisturbed natural vegetation or planted strip designed to simulate a wooded natural vegetative area. A minimum width of 20 feet is required, including a minimum of 15 trees, at least half evergreen, plus 15 shrubs, at least half evergreen, per 100 linear feet of lot boundary, prorated for less than 100 foot sections.



0 50' 100'  
Scale: 1"=50'

Brenda Williams  
DB 2016E PG 530  
DB 2931 PG 51  
Zoned RA-40

John & Patricia  
Hopton  
DB 5121 PG 306  
PC 14 SL 870  
Zoned RA-40

Kelly Lynn  
Hopton  
DB 4767 PG 210  
PC 14 SL 870  
Zoned RA-40

Partridge Lane  
(Private)

ACCESS EASEMENT  
ALONG SOIL ROAD  
DB 761 PG 394  
DB 1688 PG 326  
DB 2173 PG 4  
DB 3674 PG 346

Johnny Harris  
Trucking, Inc.  
DB 4453 PG 337

PROPOSED MINING  
EXPANSION AREA  
8.04 ACRES TOTAL  
6.30 ACRES TO BE  
PERMITTED FOR  
DISTURBANCE

Johnny Harris  
Trucking, Inc.  
Plat Cabinet 18 Slide 193  
Zoned RA-CZ

EXISTING LAND CLEARING  
& INERT DEBRIS LANDFILL

CLIENT:  
JOHNNY HARRIS TRUCKING, INC.  
4291 DOWD ROAD  
CARTHAGE, NC 28327

HARRIS PIT #2

SHEET DESCRIPTION:

MINING DEVELOPMENT PLAN

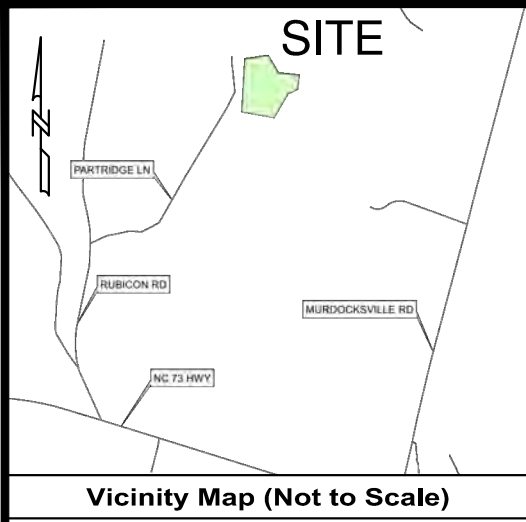
REVISIONS:

**SNS**  
ENGINEERING  
Engineering-Surveying-Planning  
180 Perry Drive  
Southern Pines, NC 28387  
Phone: (910) 245-0038  
NC License # C-3791  
www.snsengineers.com

**PRELIMINARY**  
**DO NOT USE FOR**  
**CONSTRUCTION**

PROJECT NUMBER: 18115  
DRAWN BY: RR  
SCALE: 1"= 50'  
DATE: 1-30-20  
SHEET NUMBER: C01



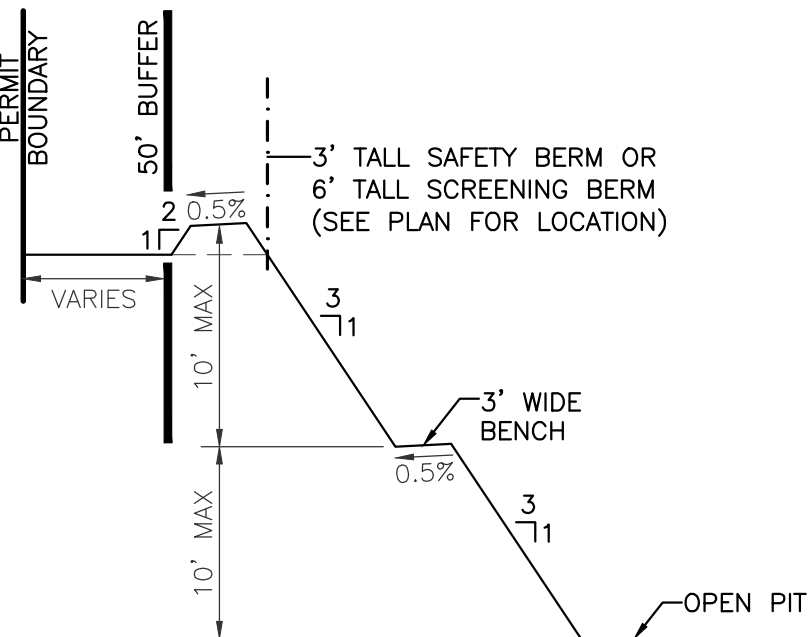


#### Legend:

- Iron Pipe Found
- Iron Rod Found
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- PK Nail Found
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- Calculated Point
- Existing Right of Way
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- Existing Sanitary Sewer Line
- Proposed 8" Sanitary Sewer Line
- Existing Easement
- Proposed Easement
- Existing Overhead Utility
- Existing Underground Utility
- Existing Utility Pole
- Proposed Spot Elevations
- Existing Spot Elevations

#### RECLAMATION NOTES:

- Mining equipment will be removed from site.
- All mining related refuse will be removed from site and properly disposed of per applicable regulations.
- The open pit will be graded for internal drainage.
- Property access shall be controlled via the two existing gated access points located at Rubicon Road.
- All remaining uncompleted cut slope will be graded to a minimum of 3-foot horizontal to 1-foot vertical, stabilized and seeded.
- Final pit cross-section will be the same as the active pit cross-section



#### Perimeter Berm & Cut Slope Detail

Scale: None

SITE DATA TABLE	
PROJECT NAME	HARRIS PIT #2
COUNTY	MOORE
TOWNSHIP	MINERAL SPRINGS
ZONING	RA-CUD
CURRENT USE	RESIDENTIAL & AGRICULTURAL-40
PROPOSED USE	MINING
RIVER BASIN	CAPE FEAR
SWC	HQW (HIGH QUALITY WATER)
WATERSHED	WS-III-BW (BALANCE OF WATERSHED)
TOTAL PROJECT AREA	8.04 ACRES
TOTAL DISTURBED AREA	5.63 ACRES

ACREAGE TO BE AFFECTED/DISTURBED	
ACREAGE	CATEGORY
N/A	TAILINGS/SEDIMENT PONDS
N/A	STOCKPILES
N/A	WASTEPILES
N/A	PROCESSING AREA/HAUL ROADS
5.63	MINE EXCAVATION
0.14	OTHER (ACCESS ROAD)
5.77	TOTAL DISTURBED ACREAGE

#### OWNER:

NAME: JOHNNY HARRIS TRUCKING, INC.  
OWNER ADDRESS: 4291 DOWD ROAD  
CARTHAGE, NC 28327  
PARCEL ID #: 00029785  
PROPERTY ADDRESS: 310 RUBICON ROAD  
WEST END NC 27376  
PROPERTY ACREAGE: 8.04  
DEED BOOK & PAGE: BOOK 4453, PAGE 337

#### DEVELOPER:

JOHNNY HARRIS TRUCKING, INC.  
CHAD HARRIS  
4291 DOWD ROAD  
CARTHAGE, NC 28327  
PH: (910) 947-2112  
HARRISTRUCKING@LIVE.COM

#### Seeding Specifications

**Permanent Seeding**  
80 lb/acre common hullled bermuda (mar 1- Nov. 1)  
80 lb/acre common unhulled bermuda (Nov. 1 - mar 1)  
4000 lb/acre limestone  
1000 lb/acre 10-10-10 fertilizer  
500 lb/acre 0-20-0 super phosphate  
4000 lb/acre straw mulch  
Anchor straw by tacking with asphalt

**Temporary Seeding**  
40 lb/acre german millet (may 1-Aug. 15)  
120 lb/acre rye (grain) (Aug. 15-Dec. 30)  
50 lb/acre kobe lespedeza (Jan. 1-may 1)  
2000 lb/acre limestone  
1000 lb/acre 10-10-10 fertilizer

#### Seeding Preparation

Rip the area to be seeded 4-6 inches minimum. Remove all loose roots, rocks, etc. Leaving surface smooth and uniform. Work time and fertilizer into the soil.

#### Water

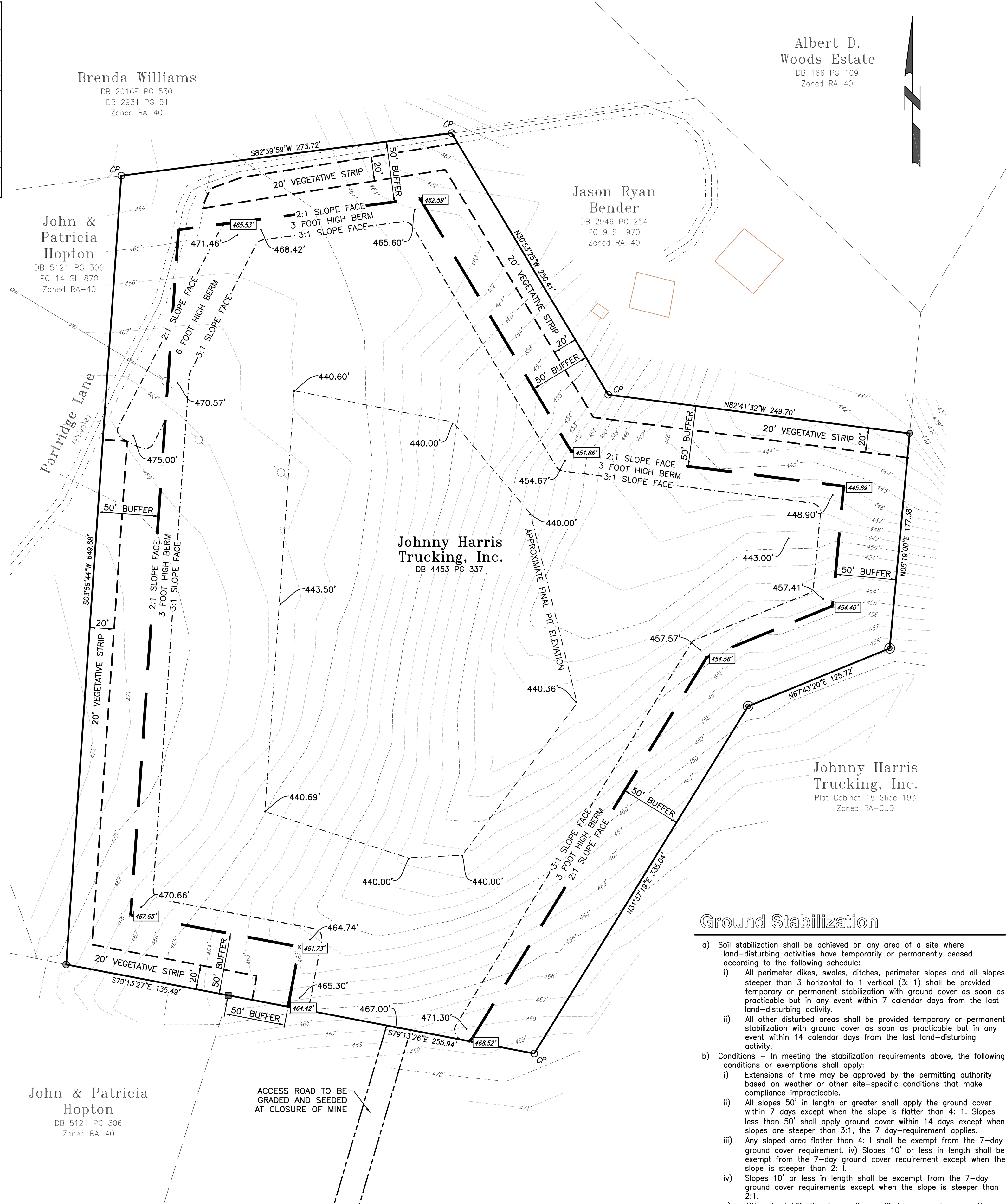
A minimum of 1 inch of rainfall a week (if not supplied naturally, contractor shall supply the remaining amount until ground has been established).

#### Maintenance

In well maintained areas, refertilize in the second year unless growth is fully adequate. mowing is not necessary. Reseed, fertilize, and mulch damaged areas immediately.



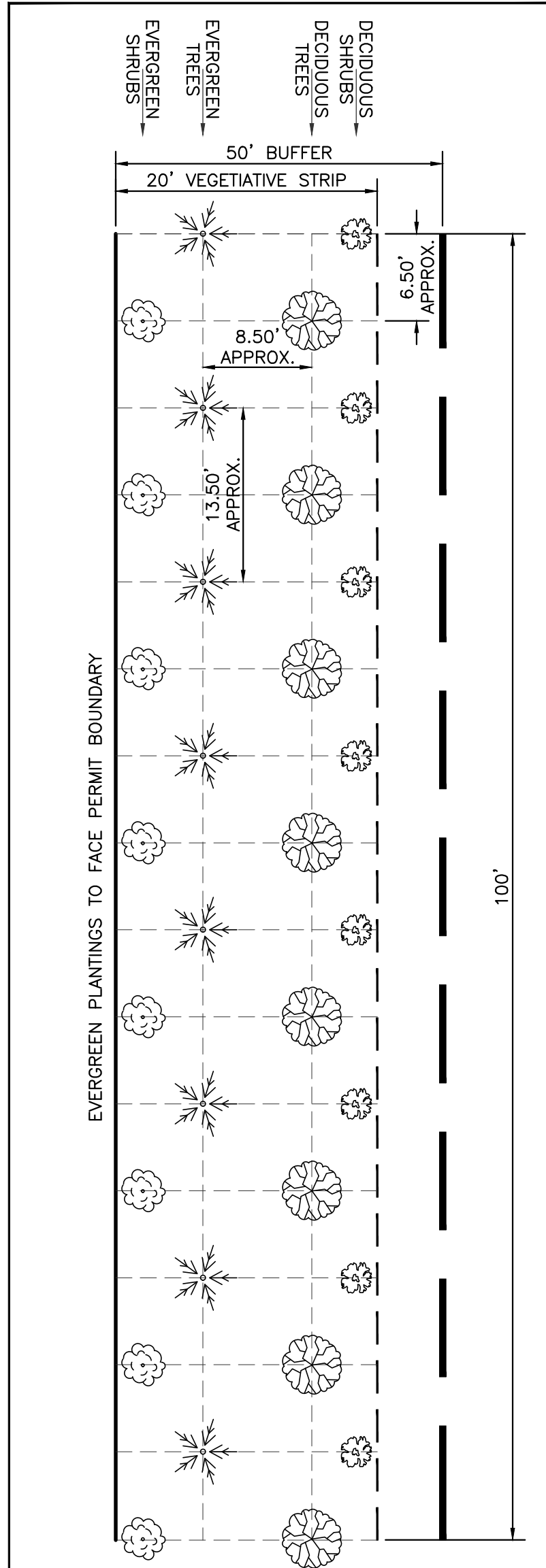
0 50' 100'  
Scale: 1"= 50'



#### Ground Stabilization

- a) Soil stabilization shall be achieved on any area of a site where land-disturbing activities have temporarily or permanently ceased according to the following schedule:
- All perimeter dikes, swales, ditches, perimeter slopes and all slopes steeper than 3 horizontal to 1 vertical (3: 1) shall be provided temporary or permanent stabilization with ground cover as soon as practicable but in any event within 7 calendar days from the last land-disturbing activity.
  - All other disturbed areas shall be provided temporary or permanent stabilization with ground cover as soon as practicable but in any event within 14 calendar days from the last land-disturbing activity.
- b) Conditions - In meeting the stabilization requirements above, the following conditions or exemptions shall apply:
- Extensions of time may be approved by the permitting authority based on weather or other site-specific conditions that make compliance impracticable.
  - All slopes 50' in length or greater shall apply the ground cover within 7 days except when the slope is flatter than 4: 1. Slopes less than 50' shall apply ground cover within 14 days except when slopes are steeper than 3:1, the 7 day-requirement applies.
  - Any sloped area flatter than 4: 1 shall be exempt from the 7-day ground cover requirement. iv) Slopes 10' or less in length shall be exempt from the 7-day ground cover requirement except when the slope is steeper than 2: 1.
  - Slopes 10' or less in length shall be exempt from the 7-day ground cover requirements except when the slope is steeper than 2:1.
  - Although stabilization is usually specified as ground cover, other methods, such as chemical stabilization, may be allowed on a case-by-case basis.
  - For portions of projects within the Sediment Control Commission-defined "High Quality Water Zone" (15A NCAC 04A, 0105) , stabilization with ground cover shall be achieved as soon as practicable but in any event on all areas of the site within 7 calendar days from the last landdisturbing act.
  - Portions of a site that are lower in elevation than adjacent discharge locations and are not expected to discharge during construction may be exempt from the temporary ground cover requirements if identified on the approved E&SC Plan or added by the permitting authority.

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH MOORE COUNTY UNIFIED DEVELOPMENT ORDINANCE AND NCDEQ STANDARDS AND SPECIFICATIONS.



#### 20' Vegetative Strip - Planting Schedule

Scale: None

Ground Stabilization Chart		
Site Area Description	Stabilization Time Frame	Stabilization Time Frame Exceptions
Perimeter dikes, swales, ditches, and slopes	7 days	None
High Quality Water (HQW) Zones	7 days	None
Slopes steeper than 3:1	7 days	If slopes are 10' or less in length and are not steeper than 2:1, 14 days are allowed
Slopes 3:1 or flatter	14 days	7-days for slopes greater than 50 feet in length
All other areas with slopes flatter than 4:1	14 days	None (except for perimeters and HQW Zones)

\*Extensions of time may be approved by the permitting authority based on weather or other site-specific conditions that make compliance impracticable. (Section II.B(2)(b))

CLIENT:  
JOHNNY HARRIS TRUCKING, INC.

4291 DOWD ROAD  
CARTHAGE, NC 28327

HARRIS PIT #2

SHEET DESCRIPTION:

REVISIONS:



**PRELIMINARY**  
**DO NOT USE FOR CONSTRUCTION**

PROJECT NUMBER: 18115

DRAWN BY: RR

SCALE: 1"= 50'

DATE: 1-31-20

SHEET NUMBER:

**C04**



**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**Conditional Use Rezoning Request**  
**Residential and Agricultural-40 (RA-40) to**  
**Rural Agricultural Conditional Zoning (RA-CZ) - Mining**

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Recommendation 1.7: Support and promote local businesses
- Action 1.8.5: Support and promote infill development that will optimize the use of existing infrastructure.

2. The rezoning request is reasonable and in the public interest due to the need of Sand Mine facilities in Moore County.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the Conditional Rezoning request from from Residential and Agriculture -40 (RA-40) to Rural Agricultural Conditional Zoning (RA-CZ) for a mining operation, located at ParID 00029785, the total being approximately 8.1 acres, located on Partridge Lane in West End.

---

Joe Garrison, Chair  
Moore County Planning Board

---

Date

**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**Conditional Use Rezoning Request**  
**Residential and Agricultural-40 (RA-40) to**  
**Rural Agricultural Conditional Zoning (RA-CZ) - Mining**

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Recommendation 1.7: Support and promote local businesses
- Action 1.8.8: Support and promote infill development that will optimize the use of existing infrastructure.

2. The proposed rezoning is not reasonable and not in the public interest because the proposed rezoning will have an unreasonable impact on the surrounding community.

Therefore, the Moore County Planning Board recommends **DENIAL** of the Conditional Rezoning request from from Residential and Agriculture -40 (RA-40) to Rural Agricultural Conditional Zoning (RA-CZ) for a mining operation, located at ParID 00029785, the total being approximately 8.1 acres, located on Partridge Lane in West End.

---

Joe Garrison, Chair  
Moore County Planning Board

---

Date



**COMMUNITY MEETING REPORT**  
**Tuesday June 16, 2020 5:30 p.m. – 6:30 p.m.**  
**Proposed Sand Mine – Partridge Lane West End, NC**

**Community Members Present:**

Brenda Williams

**Applicant's Representative Present:**

Chad Harris, Johnny Harris, Scott Matthews (SNS) and Roberto Rodriguez (SNS)

**Planning Staff Present:**

Debra Ensminger, Dervin Spell, Stephanie Cormack

Scott Matthews opened the meeting by discussing the proposed Sand Mine that the applicant is pursuing through the conditional rezoning request. Mr. Matthews presented the site plan of the proposed facility for the members of the community to review. Community member Brenda Williams had a question regarding the buffer of this proposed project, which Mr. Matthews showed to Ms. Williams on the site plan the buffer and stated that it meets the standards of the Moore County Unified Development Ordinance buffer standards for Mining/Quarry Operation (Sec. 8.107). No objections to the proposed project was made by Ms. Williams at the meeting.

List of those notified of the Community Meeting (certified mailings to adjacent properties):

BENDER, JASON RYAN	JOHNNY HARRIS TRUCKING, INC
HOPTON, JOHN G & HOPTON, PATRICIA A & OTHER	WILLIAMS, BRENDA
HOPTON, KELLY LYNN	HARRIS, CHAD

**Attachments:**

- Site plans presented at the Community Meeting

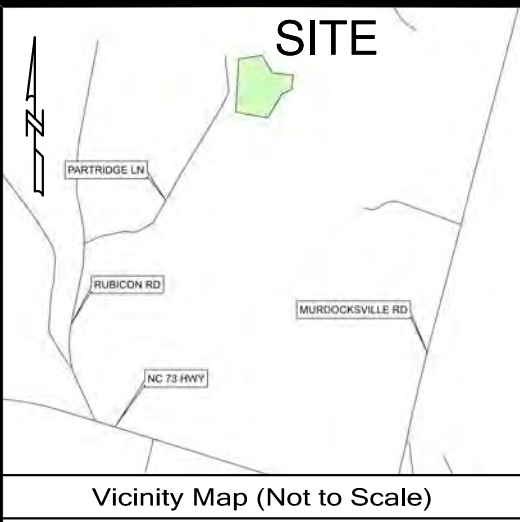
Submitted by,



Dervin Spell, AICP, CFM  
Planner – Moore County Planning and Transportation

# WEST END, NC

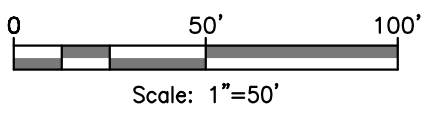
## 112



- Legend:**
- ⊙ = Iron Pipe Found
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  - - - = Adjacent Property Lines not Surveyed
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  - - - = Existing Easement
  - - - = Proposed Easement
  - - - = Existing Overhead Utility
  - - - = Existing Underground Utility
  - - - = Existing Utility Pole

- GENERAL NOTES:**
- This map is not in accordance with GS 47-30.
  - Area by coordinate method.
  - Dashed lines not surveyed, drawn from information as indicated.
  - All distances are horizontal ground distance.
  - There are no visible encroachments other than those shown hereon.
  - Property does not lie in a designated FEMA Special Flood Hazard Area per: FIRM No. 3710855500J with an effective date of 10/17/2006.
  - Location of underground utilities, if shown, are based on visible evidence or drawings provided to the surveyor. Location of underground utilities and structures may vary from shown locations. Additional utilities may exist. Local utility companies should be consulted for further information on utilities affecting the property.
  - This survey was done without the benefit of an attorney's title search which could disclose zoning, restrictive covenants, easements not visible to the surveyor, building setbacks, or other information which could affect the surveyed property.

- BUFFER NOTES:**
- CHAPTER 8: SPECIFIC USE STANDARDS  
Section 8.107: Mining/Quarry Operation  
B. Standards. A vegetative buffer not less than 50 feet in width shall be provided along all boundaries of the affected land.
  - CHAPTER 7: GENERAL DEVELOPMENT STANDARDS  
Section 7.11: Non-Residential Screening  
D. Type 3: Screening Types: Existing undisturbed natural vegetation or planted strip designed to simulate a wooded natural vegetative area. A minimum width of 20 feet is required, including a minimum of 15 trees, at least half evergreen, plus 15 shrubs, at least half evergreen, per 100 linear feet of lot boundary, prorated for less than 100 foot sections.



Brenda Williams  
DB 2016E PG 530  
DB 2931 PG 51  
Zoned RA-40

John & Patricia  
Hopton  
DB 5121 PG 306  
PC 14 SL 870  
Zoned RA-40

Kelly Lynn  
Hopton  
DB 4767 PG 210  
PC 14 SL 870  
Zoned RA-40

ACCESS EASEMENT  
ALONG SOIL ROAD  
DB 761 PG 394  
DB 1688 PG 326  
DB 2173 PG 4  
DB 3674 PG 346

Partridge Lane  
(Private)

Johnny Harris  
Trucking, Inc.  
DB 4453 PG 337

PROPOSED MINING  
EXPANSION AREA  
8.04 ACRES TOTAL  
6.30 ACRES TO BE  
PERMITTED FOR  
DISTURBANCE

Johnny Harris  
Trucking, Inc.  
Plat Cabinet 18 Slide 193  
Zoned RA-CZ

EXISTING LAND CLEARING  
& INERT DEBRIS LANDFILL

Albert D.  
Woods Estate  
DB 166 PG 109  
Zoned RA-40

Jason Ryan  
Bender  
DB 2946 PG 254  
PC 9 SL 970  
Zoned RA-40

CLIENT:  
JOHNNY HARRIS TRUCKING, INC.  
4291 DOWD ROAD  
CARTHAGE, NC 28327

HARRIS PIT #2

SHEET DESCRIPTION:

MINING DEVELOPMENT PLAN

REVISIONS:

**SNS**  
ENGINEERING  
Engineering-Surveying-Planning  
180 Perry Drive  
Southern Pines, NC 28387  
Phone: (910) 245-0038  
NC License # C-3791  
www.snsengineers.com

**PRELIMINARY**  
**DO NOT USE FOR**  
**CONSTRUCTION**

PROJECT NUMBER: 18115  
DRAWN BY: RR  
SCALE: 1"= 50'  
DATE: 1-30-20  
SHEET NUMBER: C01

Partridge Lane - RA-CZ - Sand Mine

Community Meeting

16-Jun-20

NAME	Address
Brenda Wilkins	464 Partridge Ln / Mailing PO Box 654 SPNC
Carl Harris	4459 Bunker Hill Rd. 08358
Scott Matthews (SNS)	180 Perry Dr. Saurin Ins, NC 28387
Roberto Rodriguez (SNS)	102 Central Dr Aberdeen NC 28315
John Harris	4271 Dowd Rd Carthage N.C
Debra Ensminger	1048 Carriage Oaks Dr. Carthage NC 28327
Stephanie Cormack	1048 Carriage Oaks Dr. Carthage NC
Derlin Hall	1048 Carriage Oaks Dr. Carthage NC



FOR REGISTRATION REGISTER OF DEEDS

Judy D. Martin  
Moore County, NC

February 13, 2015 01:07:38 PM

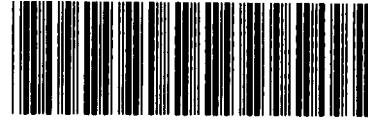
Book 4453 Page 337-340

FEE: \$26.00

NC REVENUE STAMP: \$64.00

INSTRUMENT # 2015001809

Jm



INSTRUMENT # 2015001809

This Instrument Prepared By:  
H. Craig Phifer, III  
Clarke, Phifer, Vaughn, Brenner & McNeill, PLLC  
135 Applecross Road  
Pinehurst, North Carolina 28374

**STATE OF NORTH CAROLINA  
COUNTY OF MOORE**

**GENERAL WARRANTY DEED**

THIS DEED, made this 10th day of February, 2015 by Douglas R. Waldrop, Sr. (a/k/a Douglas Ray Waldrop, Sr.) and wife, Shirley A. Waldrop (a/k/a Shirley Albert Waldrop), of 112 Tiffany Way, Beaufort, NC 28516, **GRANTOR**, to Johnny Harris Trucking, Inc., a North Carolina corporation, **GRANTEE**;

Tax Address: 4291 Dowd Road, Carthage, NC 28327. *maul*

**WITNESSETH:**

That said Grantor, for valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, tract or parcel of land situate in Mineral Springs Township, Moore County, North Carolina, and more particularly described as follows:

See Exhibit "A" Attached Hereto and Incorporated By Reference.

This conveyance is made subject to: (i) utility easements of record; (ii) ad valorem taxes for the current year, which taxes shall be prorated as of the date of closing; and (iii) unviolated restrictive covenants of record that do not materially affect the value of the property.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 546, Page 13, Moore County Registry, Carthage, North Carolina.

All or a portion of the property herein conveyed [ ] includes or [x] does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions noted herein.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the day and year first above written.

Douglas R. Waldrop, Sr. (a/k/a Douglas Ray Waldrop Sr.) by  
Christopher Scott Holder, Attorney-in-Fact (SEAL)  
 Douglas R. Waldrop, Sr. (a/k/a Douglas Ray Waldrop, Sr.), By  
 Christopher Scott Holder, Attorney-In-Fact

Shirley A. Waldrop (a/k/a Shirley Albert Waldrop), by  
Christopher Scott Holder, Attorney-in-Fact (SEAL)  
 Shirley A. Waldrop (a/k/a Shirley Albert Waldrop), By  
 Christopher Scott Holder, Attorney-In-Fact

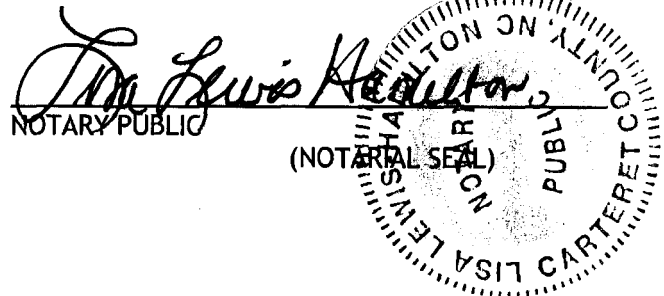
STATE OF NORTH CAROLINA  
 COUNTY OF Carteret

I, Lisa Lewis-Hamilton, a Notary Public of the County and State aforesaid, certify that Christopher Scott Holder, Attorney-In-Fact for Douglas R. Waldrop, Sr. (a/k/a Douglas Ray Waldrop, Sr.), personally appeared before me this day and being by me duly sworn, says that he executed the foregoing and annexed instrument for and in behalf of Douglas R. Waldrop, Sr. (a/k/a Douglas Ray Waldrop, Sr.) and that his authority to execute and acknowledge said instrument is contained in instrument duly executed, acknowledged and recorded in the Office of the Register of Deeds of Moore County, North Carolina, in Book 2820, Page 135, that this instrument was executed under and by virtue of the authority given by said instrument granting him power of attorney; that the said Christopher Scott Holder acknowledged the due execution of the foregoing and annexed instrument for the purpose therein expressed, for and in behalf of the said Douglas R. Waldrop, Sr. (a/k/a Douglas Ray Waldrop, Sr.).

Witness my hand and official seal or stamp, this 12 day of February, 2015.

My Commission Expires:

15 Apr 2018



STATE OF NORTH CAROLINA  
COUNTY OF Carteret

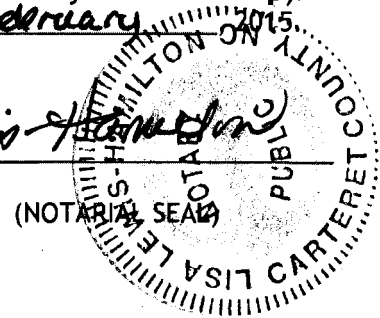
I, Lisa Lewis Hamilton, a Notary Public of the County and State aforesaid, certify that **Christopher Scott Holder**, Attorney-In-Fact for **Shirley A. Waldrop (a/k/a Shirley Albert Waldrop)**, personally appeared before me this day and being by me duly sworn, says that he executed the foregoing and annexed instrument for and in behalf of **Shirley A. Waldrop (a/k/a Shirley Albert Waldrop)** and that his authority to execute and acknowledge said instrument is contained in instrument duly executed, acknowledged and recorded in the Office of the Register of Deeds of Moore County, North Carolina, in Book **2820**, Page **132**, that this instrument was executed under and by virtue of the authority given by said instrument granting him power of attorney; that the said **Christopher Scott Holder** acknowledged the due execution of the foregoing and annexed instrument for the purpose therein expressed, for and in behalf of the said **Shirley A. Waldrop (a/k/a Shirley Albert Waldrop)**.

Witness my hand and official seal or stamp, this 12 day of February, 2015.

My Commission Expires:

15 Apr 2015

Lisa Lewis Hamilton  
NOTARY PUBLIC



## Exhibit "A"

Being All of the Grantors' Real Property identified in the Moore County Tax Department as Tax Parcel Identification Number 00029785 and being further described as a tract entitled "Remainder of Douglas R. Waldrop, Sr. D.B. 546, Pg. 13" on a "Survey for: Doug Waldrop" recorded in Plat Cabinet 13, Slide 427 in the Moore County, North Carolina Register of Deeds and as "Lot 2 Waldrop 4.55 Acres" and "Remainder of Waldrop 3.51 Acres" as described in Plat cabinet 14, Slide 90, Moore County, North Carolina Register of Deeds, and being all of the balance, remainder and residue of the Grantors' real property originally described in Book 546, Page 13, Moore County, North Carolina Register of Deeds.

Being subject to recorded easements to Carolina Power and Light Co. (now Duke Progress Energy) and Randolph Electric Membership Corporation.



**MEMORANDUM TO THE PLANNING BOARD**

**FROM:** Debra Ensminger  
Planning & Transportation Director

**DATE:** March 6, 2020

**SUBJECT:** Conditional Rezoning Request: Rural Agricultural (RA) to Rural Agricultural Conditional Zoning (RA-CZ) – Pallet Recycling and Production

**PRESENTER:** Dervin Spell

**REQUEST**

Reeder Pallet Company Inc. – Matthew Reeder is requesting a Conditional Rezoning from Rural Agricultural (RA) to Rural Agricultural Conditional Zoning (RA-CZ) for a Pallet Recycling and Production Facility, located on two properties: ParID 95000361 and 00008792, the total being approximately 28.9 acres, located at 2344 NC Hwy 705 and adjacent to West Side Road, Robbins, owned by Sandhills Community College per Deed Book 3770 Page 106 and Deed Book 3231 Page 287.

Public notification consisted of publishing a legal notice in the local newspaper for two consecutive weeks, notification by mail to adjacent property owners, and placing public hearing signs on the property.

**BACKGROUND**

The property is currently undeveloped. Adjacent properties include single family dwellings, undeveloped property, and the Westmoore Community Center.

**COMMUNITY MEETING**

The community meeting was conducted at the Moore County Agricultural Center on June 16 between 6:30pm and 7:30pm. Adjacent properties were notified by certified return receipt mail, sent on June 5, 2020. Please refer to attached report for more details.

**CONDITIONAL ZONING (CZ)**

Conditional rezoning affords a degree of certainty in land use decisions not possible when rezoning to a general district. Conditional Zoning Districts are established to provide for flexibility in the development of property while ensuring that the development is compatible with neighboring uses. Pursuant to NCGS 153A-342, conditional zoning districts requires the approval of a rezoning by the Moore County Board of Commissioners and approval of a site specific development plan allowing for the development of specific land uses. Parallel conditional zoning districts are restricted to those uses (meaning either one or multiple uses) listed in the corresponding general use zoning district.

The request shall be in compliance with all relevant portions of the UDO, except that variations from these standards may be approved by the Board of Commissioners if the site plan is submitted and determined to be suitable for the request, is consistent with the intent of the standards, and ensures compatibility with land uses on surrounding properties.

Specific additional conditions applicable to the rezoning request may be proposed by the applicant, the Planning Board, or Board of Commissioners. Only those conditions mutually approved by the county and the applicant may be incorporated into the permit requirements. If a proposed condition is unacceptable to the owner, the petition can be withdrawn and the proposed rezoning cannot go forward. Likewise, if a condition is unacceptable to the Board of Commissioners, the petition can be denied and there is no rezoning.

Per NCGS 153A-342(B), conditions and site-specific standards shall be limited to those that address the conformance of development and use of the site to County ordinances and officially adopted plans and those that address the impacts reasonably expected to be generated by the development or use of the site.

#### **ZONING DISTRICT COMPATIBILITY**

Adjacent properties are zoned Rural Agricultural (RA). The requested rezoning to Rural Agricultural Conditional Zoning (RA-CZ) for a Pallet Recycling and Production Facility is consistent with the Rural Agricultural (RA) zoning district.

The Unified Development Ordinance states the intent of the Rural Agricultural (RA) District is intended to encourage the continuance of agricultural uses as well as to ensure that residential development of appropriate intensities that are consonant with the suitability of land, availability of public services, and that are compatible with surrounding development, will occur at appropriate densities to provide a healthful environment.

The RA District is also intended to accommodate rural commercial activities where the use of site specific development plans, individualized development conditions, vegetative buffers, larger lots, and the compatibility of adjacent land uses are considered to provide suitable locations for rural commerce and other rural activities.

#### **CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN**

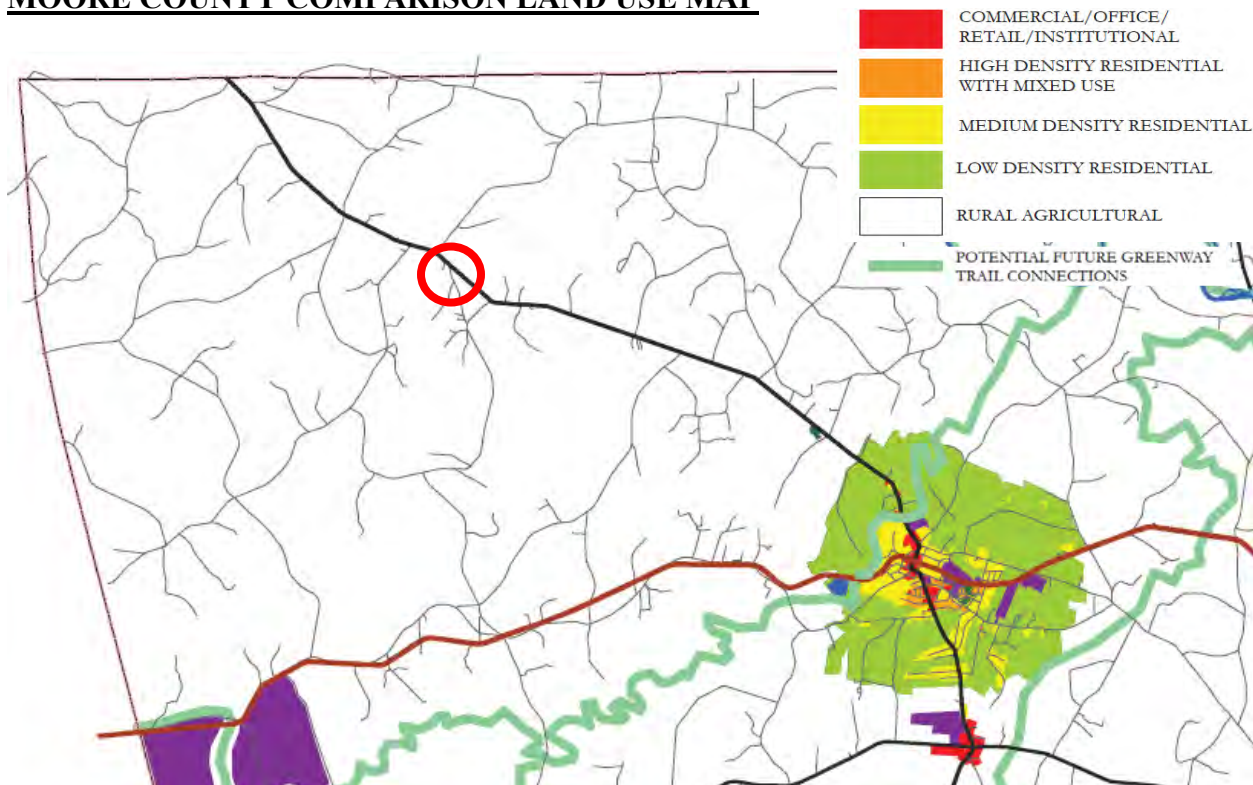
The site has a Rural Agricultural Land Use Classification. The requested zoning to Rural Agricultural Conditional Zoning (RA-CZ) for a Pallet Recycling and Production Facility is compatible with the Rural Agricultural Land Use Classification. The Land Use Plan states the primary use of the Rural Agricultural Land Use Classification is to support rural residential life associated with agricultural uses and other rural activities.

The requested rezoning to Rural Agricultural Conditional Zoning District (RA-CZ) for a Pallet Recycling and Production Facility is consistent with rural activities.

The rezoning request is also consistent with several goals as included in the attached Land Use Plan Consistency Statement, including: Recommendation 1.7: Support and promote local businesses, Action 1.7.2 Encourage emerging markets that utilize local agricultural and manufactured products, and enhance tourism and the service sectors, Action 1.8.5: Support and promote infill development that will optimize the use of existing infrastructure, Recommendation

3.4 Encourage development in areas where the necessary infrastructure (roads, water, sewer, and schools) are available, planned, or most cost-efficiently be provided and extended to serve development, and Action 3.4.1 Direct intensive land uses to areas that have existing or planned infrastructure.

### **MOORE COUNTY COMPARISON LAND USE MAP**



### **RECOMMENDATION**

Staff recommends the Moore County Planning Board make two separate motions:

**Motion #1:** Make a motion to adopt or deny the attached Moore County Planning Board Land Use Plan Consistency Statement and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341.

**Motion #2:** Make a motion to recommend approval or denial to the Moore County Board of Commissioners of the Conditional Rezoning from Rural Agricultural (RA) to Rural Agricultural Conditional Zoning (RA-CZ) for a Pallet Recycling and Production Facility, located on two properties: ParID 95000361 and 00008792, the total being approximately 28.9 acres, located at 2344 NC Hwy 705 and adjacent to West Side Road, Robbins.

## **ATTACHMENTS**

- Pictures of Property and Adjacent Properties
- Vicinity Map, Land Use Map, Rezoning Map
- Submitted Rezoning Application
- Submitted Site Specific Development Plan
- NCDOT Driveway Permit
- Planning Board Consistency Statement – Approval
- Planning Board Consistency Statement – Denial
- Community Meeting Report
- Deed Book 3770 Page 106
- Deed Book 3231 Page 287

### **View of subject property from NC Hwy 705**





View of adjacent property -2332 NC Hwy 705



Southbound view of NC 705





**Northbound view of NC Hwy 705**



**Southbound view West Side Road**

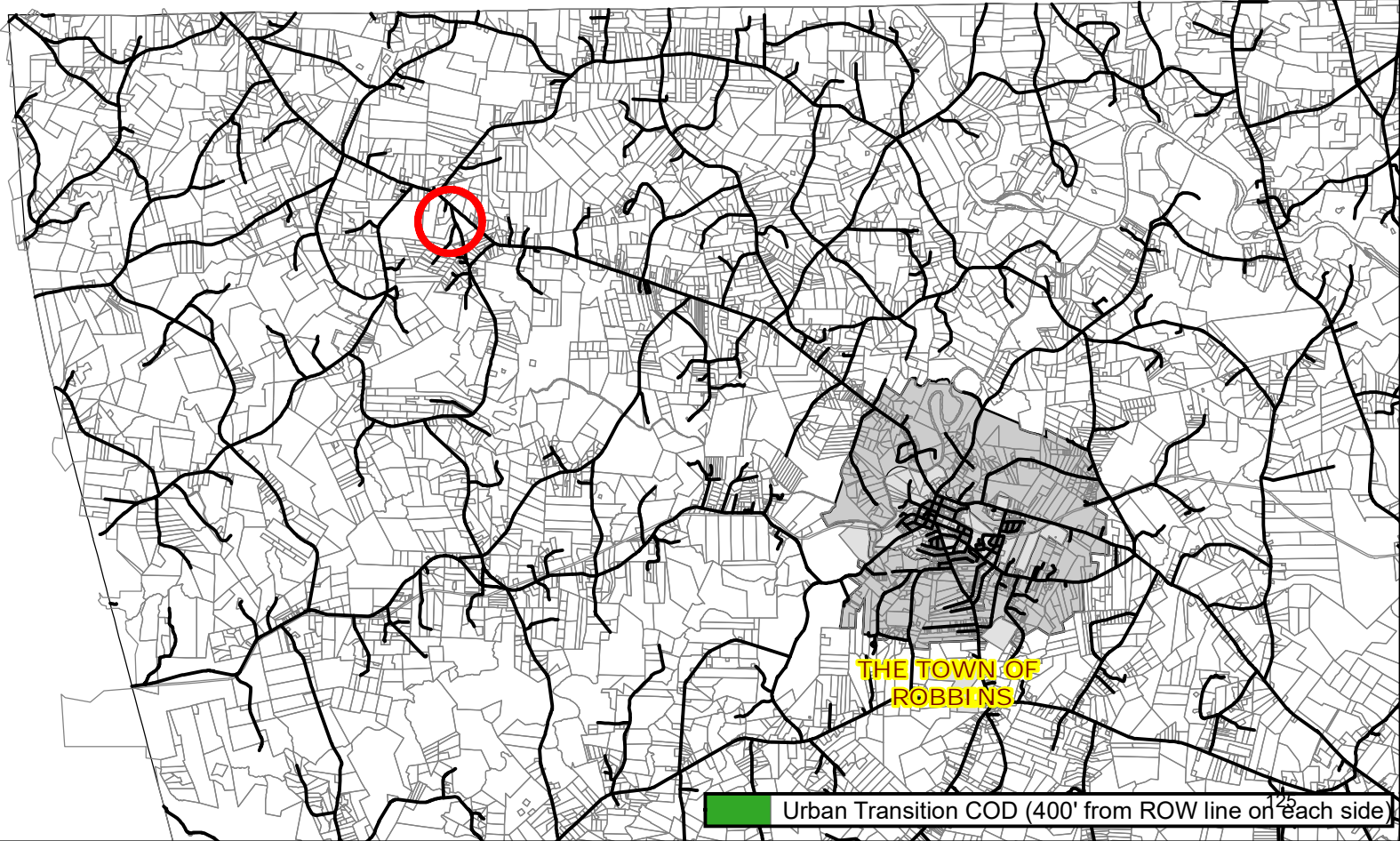


***West Side Road – Conditional Rezoning – Staff Report***

Vicinity Map

RANDOLPH  
COUNTY

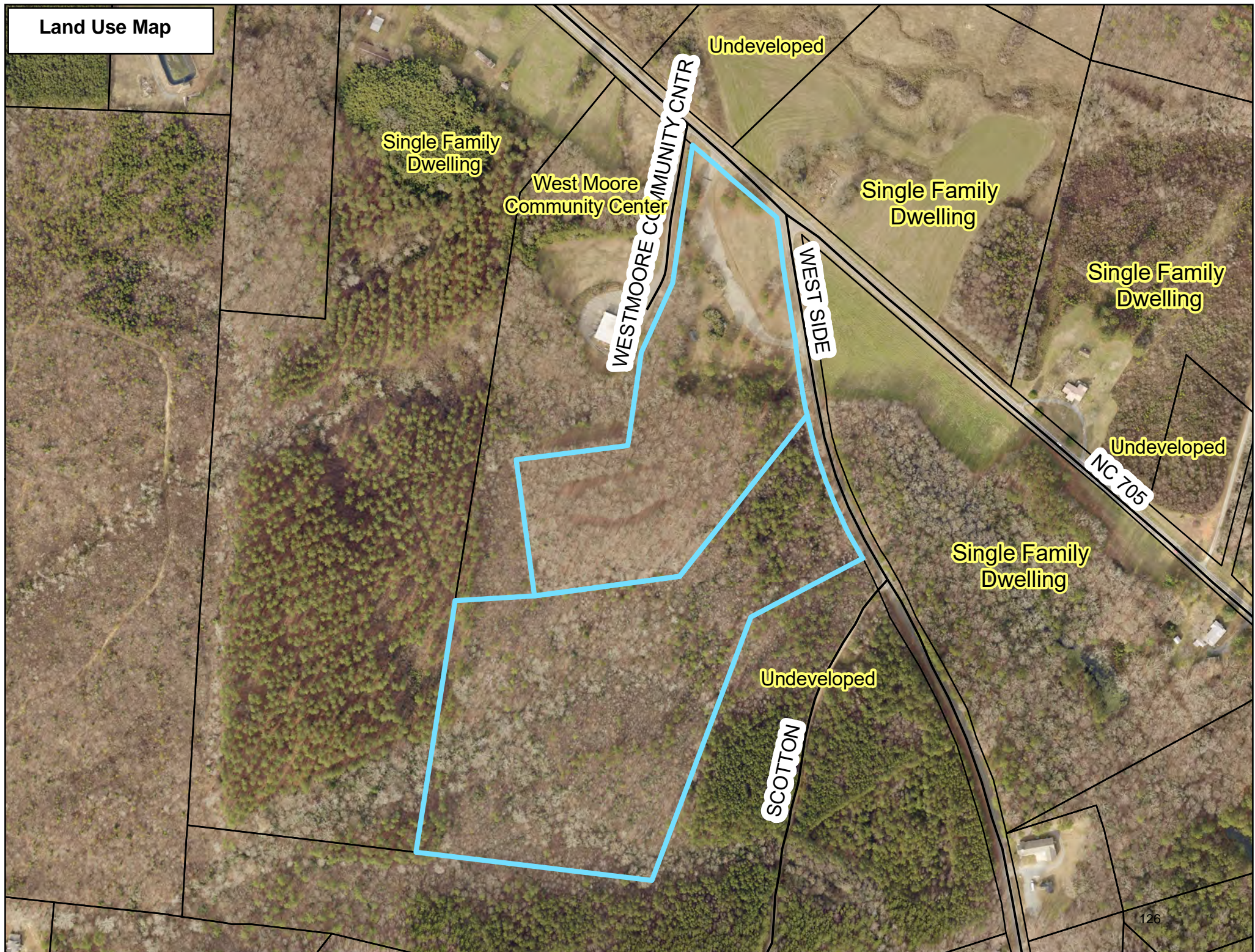
MONTGOMERY  
COUNTY



Urban Transition COD (400' from ROW line on each side)



Land Use Map





# Zoning Map

DOVER CHURCH

B-1

BENS

BUSBEE

Shaded area requested  
to be rezoned to RA-CZ

RA

NC 705

SCOTTON

WEST SIDE

DAN

APR 29 09Z  
PARCEL 95000341



I (We), the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests or information as designated by the County of Moore Zoning Administrator.



March 20, 2020

Applicant/Owner Signature

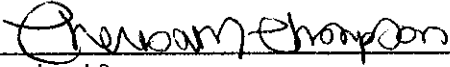
Date

Applicant/Owner Signature

Date

Office Use Only:

PAR ID: 95000361 00008792



3/20/2020

Received By

Date

March 20, 2020

Reeder Pallet Co is a small pallet recycler in northern Moore County. We began in 1989 and are currently operating in a small, 3,080 square foot facility situated on about three acres of land. Our business is the recycling of wooden pallets, primarily through the repair and remanufacturing of broken wooden pallets to a reusable condition. This process involves bringing wooden pallets to our facility, removing the broken components and replacing those parts with used lumber. Pallets that are not of a marketable condition are cut into component pieces to support the repair and remanufacturing process. All other wood waste is ground into mulch. We currently employ 21 individuals and manage our own small fleet of three tractor trailers that handle the procurement and delivery of our pallets.

The new facility we are planning will be a 19,200 square foot facility that will allow our business to grow and improve efficiency. The facility will be large enough to accommodate all of our process indoors and provide space for us to have flexibility in our workflow and in the markets we service. We currently handle 7,000 to 9,000 pallets weekly, and this facility is designed to comfortably double that, with the ability to grow beyond that production through remanufacturing pallets and recycled lumber.

We are seeking conditional rezoning for parcels 95000361 and 00008792 under UDO 8.104 – Debris Management Facilities. This designation allows for mulching facilities, sawmills and pallet recycling production. These properties will be the new site for our business operations and will be used in the production of recycled lumber, pallets and mulch. Further, we would like request that the period of expiration for the conditional zoning be extended from 24 months to 60 months to provide us greater flexibility in the implementation of our relocation.

Thank you,

A handwritten signature in black ink, appearing to read "Matthew Reeder".

Matthew Reeder  
Reeder Pallet Co. Inc.





March 19, 2020

Reeder Pallet Company Inc. is currently undergoing a due diligence period to purchase Parcel # 95000361, 00008792, and 00990359 from Sandhills Community College. This due diligence period includes seeking conditional rezoning for this property. As such, Reeder Pallet Company Inc. is granted permission to seek this conditional rezoning for the above-mentioned properties.

Signed:

John Dempsey, President  
Sandhills Community College

**Conditional Rezoning Application Questions:**

*Proposed rules, regulations, conditions for the proposed district that address the impacts expected to be generated by the development or use of the site:*

Our pallet facility will not negatively impact the surrounding properties in any environmentally harmful manner. Given the size of our current employment (21) and projected employment over the next decade (approximately 30 employees), it is unlikely that there will be a dramatic alteration of this property or neighboring properties, as it was formally a rest area along Highway 705 and had higher traffic and water usage in that capacity. Further, as a wooden pallet recycler, our business model is one of helping the environment.

The largest impact that I can foresee for our neighbors would be through noise. We operate a wood grinder to produce mulch out of our wood waste. Standing next to our grinder, the decibel level is 87.9. However, the closest neighbor we will have is the Westmoore Community Center, which will be approximately 330 feet from our facility and 550 feet from our grinder. I performed two measurements and at that distance, the decibel levels were 54.6 and 54.8. To mitigate any noise nuisance, we will maintain the natural screening already in place by the trees and make sure our facility is enclosed in trees as much as feasibly possible to dampen any noise. Our present design plans leave the existing screening on the south and west sides untouched and several hundred feet thick. The north side will have the Westmoore Community Center, our closest neighbor, with approximately 200 feet of untouched screening. Finally, the east wide of the proposed facility, facing West Side Drive, will have approximately 120 feet of existing trees for screening.

Lastly, our facility will be encircled by security fencing to protect our property from harm but also to prevent inadvertent trespassing and danger to others. The fence is so labeled in the Master Site Plan. This property currently has security fencing on part of the parcel protecting the septic system. The plan is to utilize their fencing along the back side of the property, with new fencing in more vulnerable areas. Appendix 10 outlines the layout of the fencing.

*Statement of the reasonableness of the proposed conditional zoning. The statement shall include, but not be limited to the following:*

- 1. The conditional rezoning compatibility with the County Land Use Plan and other adopted plans of the County.*
- 2. The conditional rezoning compatibility with the existing land uses on abutting and neighboring tracts.*
- 3. The benefits and detriments of the conditional rezoning for the subject property, neighboring properties and the surrounding community.*

The conditional rezoning being sought for this property is consistent with the UDO by Moore County. Chapter 8, section 104 provides the framework for a Debris Management Facility within an RA zone. The Debris Management Facility allows for mulching, sawmill and pallet recycling on a RA parcel that has this conditional use added. As to the compatibility with the existing land uses on neighboring tracts, our current facility is also within an RA district that is quite rural and has some houses nearby. The parcels we are seeking rezoning on, 95000361 and 00008792, maintain this same characteristic of rural, wooded areas with some houses nearby. To the south of these parcels is 00990359, a parcel that we are also purchasing, contingent on the outcome of this rezoning request, and are not seeking conditional zoning on. This parcel will remain wooded and unchanged. To the east is 00008707, a 20-acre tract that is mostly wooded with one single family dwelling on the property. This home is approximately 1,400 feet from our proposed facility and will not be impacted. To the north, on the other side of Highway 705, is vacant property that is currently used for farmland. Finally, to the west is the Westmoore Community Center. As noted earlier, this facility will be our closest neighbor and noise will be the most likely detriment to their operations, although at the planned distance of 330 feet, the decibel level is consistent with a quiet office or rainfall. Thus, there is minimal detriment to our potential neighbors and the use of the land will be consistent with the setting Reeder Pallet has utilized for much of our 30+ years of operation.

As to the benefit of this conditional rezoning for the surrounding area, there would be the benefit of an established, growing local business. As noted previously, we currently employ 21 individuals, all but two living in the Robbins/Carthage area. As our business has grown and our need for relocation pressing in urgency, we have committed to maintaining our operations where our employees live and seeking to better the community that my family has lived in for at least the past four generations. Thus, without trying to sound too sappy, our goal is to provide benefit to our local area. We have strived for the past 30 years to be good neighbors, employers and citizens and that sentiment would extend to this new property as well.

If you will allow, let me pull away from answering the established questions that are presented and try to provide a glimpse of what this project looks like, the steps that we need to take to achieve it, and some of the issues that are currently unsettled surrounding this project.

As to what this overall project will look like. This has already been addressed a bit but let me attempt more detail in describing what Reeder Pallet will look like at this new facility. First, as you'll see from the many appendices, we want the entire facility to be hidden from the road as much as possible and hope to be surrounded by trees. This new facility will comfortably house eight docks, an expanded repair line (where we repair broken, wooden pallets), a sortation station to enhance our pallet tracking, and an expanded board recycling operation. I will happily describe any of these separate functions if you desire to further understand my industry, but I understand that for this purpose it is probably an overabundance of information. Our facility will have our current wood grinder and this facility will have the capacity to have a second, redundant grinder as well. There is a designated 70'x170' concrete pad for outdoor inventory storage, which will be lumber and pallets only. Although we do produce mulch from our wood waste, it is loaded into an open-top trailer as it is being produced by the grinder and delivered to a mulching facility for further grinding and coloring. We currently have three trucks and approximately 60 trailers spotted throughout North and South Carolina. Our trucks typically make 2-3 trips each day, so there will be minimal truck traffic into this new facility. I foresee that as we grow we will be potentially adding a fourth truck within 5 years, but that is heavily dependent on the market. The greatest advantage of this facility will be the space to gain production efficiency. While we will most definitely grow; in employment, sales and sales volume, I do not project that our operations will double or triple in a short period of time. Rather, I see a very methodical growth of our business as we increase our productive capacity in this new space.

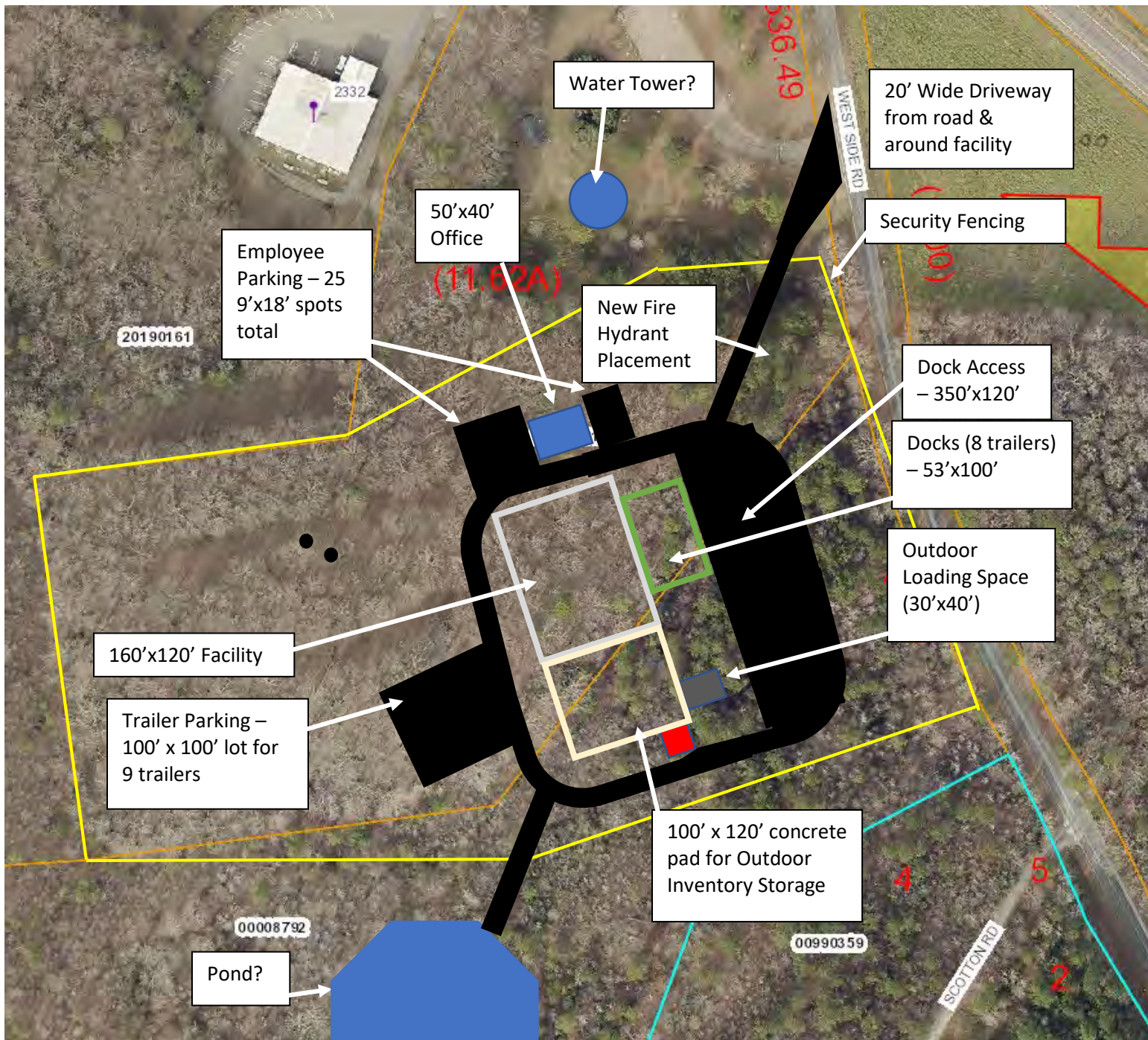
The steps that we will be taking are rather obvious, so please consider this a more thorough answer to our phasing plans. My hope is that the conditional rezoning request is approved this summer and the property purchased shortly thereafter. Once the property is ours we will combine 95000361 and 00008792 into one property. These are the two properties that conditional rezoning is being sought for. Simultaneously, I will begin working on the office side of the relocation. My hopes are to change accounting systems, inventory management software and streamline the flow of information and work throughout our office to simplify the business end of our relocation. Also during this time I would like to select the contractor that will oversee this project (there are three that are working with me now on the design bidding for this project) and have a clear plan going forward. This will be discussed in the following paragraph about the currently unsettled decisions. In the winter/spring of 2021 I would like to begin clearing the land and preparing it for the construction. Construction would begin later in 2021 and relocation occur in the winter/spring of 2022.

There are some decisions still to be determined about this project. The first issue is how we will store water for our sprinkler system. In a conversation with Bryan Lyczkowski on March 11<sup>th</sup> at the Project Review Team Meeting, I was advised that we could use a pond or a water tower for water storage. Up until that point I had been working with Sentry Fire Protection in Asheboro for a water tower. However, in discussions with the contractors and graders, there will be a need for quite a bit of dirt for grading, and the majority of 00008792 will remain unchanged by this project. Further, the natural lay of the land of 00008792 lends itself to collecting water in the middle of the property, and thus we have talked about making a pond in the middle of 00008792 and use the dirt for the grading. Thus, I will soon begin discussions with a water engineering firm, suggested by Sentry Fire Protection, to determine the most effective way going forward.

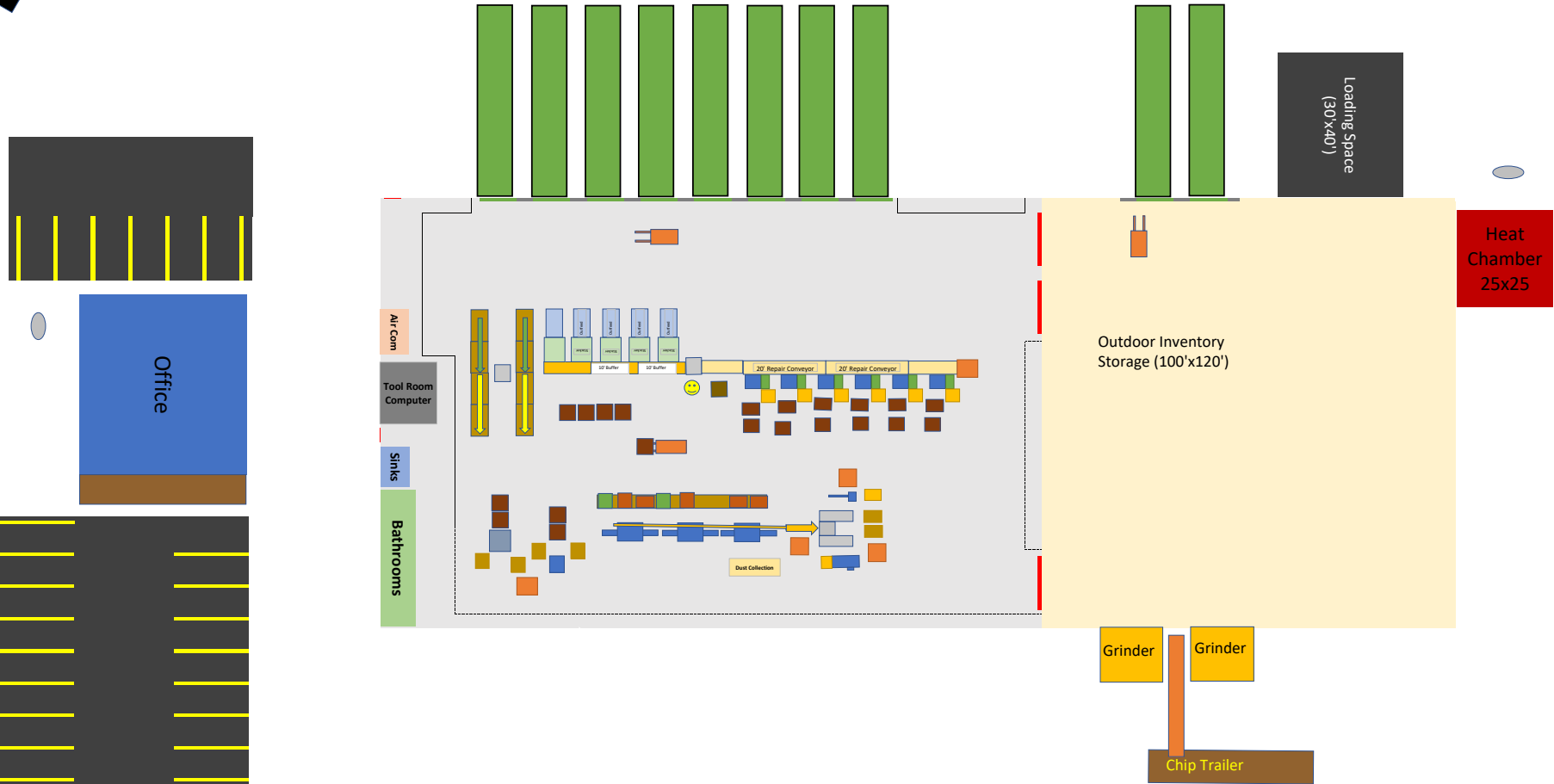


The second undetermined issue is the overall market and the lasting effects the COVID-19 pandemic will have on our economy. This is the reason I have requested a 60 month vesting period rather than 24 months, which falls within the parameters of 14.3 of the UDO. Our business is strong financially and we have a very stable and strong customer base. However, as of the time of this writing (April 1, 2020), the pandemic in the US has yet to reach its peak and it is uncertain the depth of recession that this could bring. With some economists warning that this could rival the Great Depression in severity, and seeing the unprecedented actions by the Federal Reserve and the US Congress at the onset of this crisis, it seems prudent to provide our business as much leeway as possible in implementing this relocation.

I hope this provides some greater insight into the scope of Reeder Pallet's plans for this property if the conditional rezoning is approved.



Master Floor Plan



## Site Specific Development Plan

Chapter 4 Section 2 of the Moore County Unified Development Ordinance.

A site-specific development plan includes:

- 1) Dimension of property (front, side, and rear property lines)

See Appendix 1

- 2) Dimensions and locations of any existing or proposed buildings and signs

Manufacturing facility – 160' x 120' (19,200 square feet)

Office – 50' x 40' (2,000 square feet) → See Appendix 2

- 3) Existing and proposed uses of building(s) and/or land

There is no existing use of the land. It is currently lying dormant. The proposed use of the facility is the manufacture of recycled lumber and wooden pallets.

- 4) Non-residential floor plans

See Appendix 3 (Manufacturing) & Appendix 4 (Office)

- 5) Existing and proposed street right of ways and/or easements

Not Applicable

- 6) Current and/or proposed setbacks from property lines, easements, and ROWs

See Appendix 5 for facility setbacks and Appendix 5A for office setbacks from property lines.

- 7) Dimensions and locations of driveway, parking lots, and parking spaces

See Appendix 6

- 8) Dimensions and location of loading and unloading areas

Loading area in front of docks is 18'x100'. See Appendix 7

There is an outdoor 40'x30' loading space. See Appendix 7A

- 9) Existing and proposed utilities

The septic system from the previous rest area is still on site and will be utilized. Additionally, there are two wells from the rest area that are still in place that are under consideration for use. Further, a new hydrant will be required and the proposed location for it will be down the new



driveway. Public water will be available to the facility from this source. Finally, Randolph Electric will be providing the three-phase power necessary for our equipment, just as they are currently doing on our present site. Appendix 8 has placement information.

10) Non-residential screening plan

This property has trees on-site currently. We will not be removing any trees except for on the construction site. As such, the existing trees will remain in place for Type 3 screening. Appendix 9 gives widths of Type 3 screening to the nearest property lines of the entire project.

11) Significant natural features including floodplain, wetlands, lakes, streams, etc.

Not applicable

12) Existing and proposed impervious surface percentages

Currently, there is approximately 33,950 square feet of asphalt in place from the previous rest area. Our proposal would apply approximately 33,700 square feet of concrete in place, consisting of the facility, office, inventory storage area and small pads for grinders and the landing gear of trailers. Additionally, there will be an estimated 56,300 square feet of gravel, which will comprise the driveway both to and around the facility, plus parking lots.

There are 28.937 acres in the two parcels under consideration, for a total of 1,260,496 square feet. The impervious surface percentage would be 5.3%. If the gravel is added to that total, the altered surface percentage is 9.8%.

13) Location of any stormwater control devices, any stormwater control plans, and the name of the certifying engineer

Not applicable

14) Phasing plans

The current timeline for the relocation of our business is as follows. Assuming the successful zoning outcome, the land will be purchased in summer or early fall of 2020. The clearing of trees would occur in January-March of 2021, with grading and other site development following in the spring of 2021. The construction of the facility would take place in summer/fall of 2021 with complete relocation occurring in the first quarter of 2022. This timeline reflects the most aggressive under consideration. Depending on the market, this timeline may be slowed to minimize hardship in the event of economic downturn.

15) Any other information which the Administrator deems necessary as required per local, state, or federal law

None



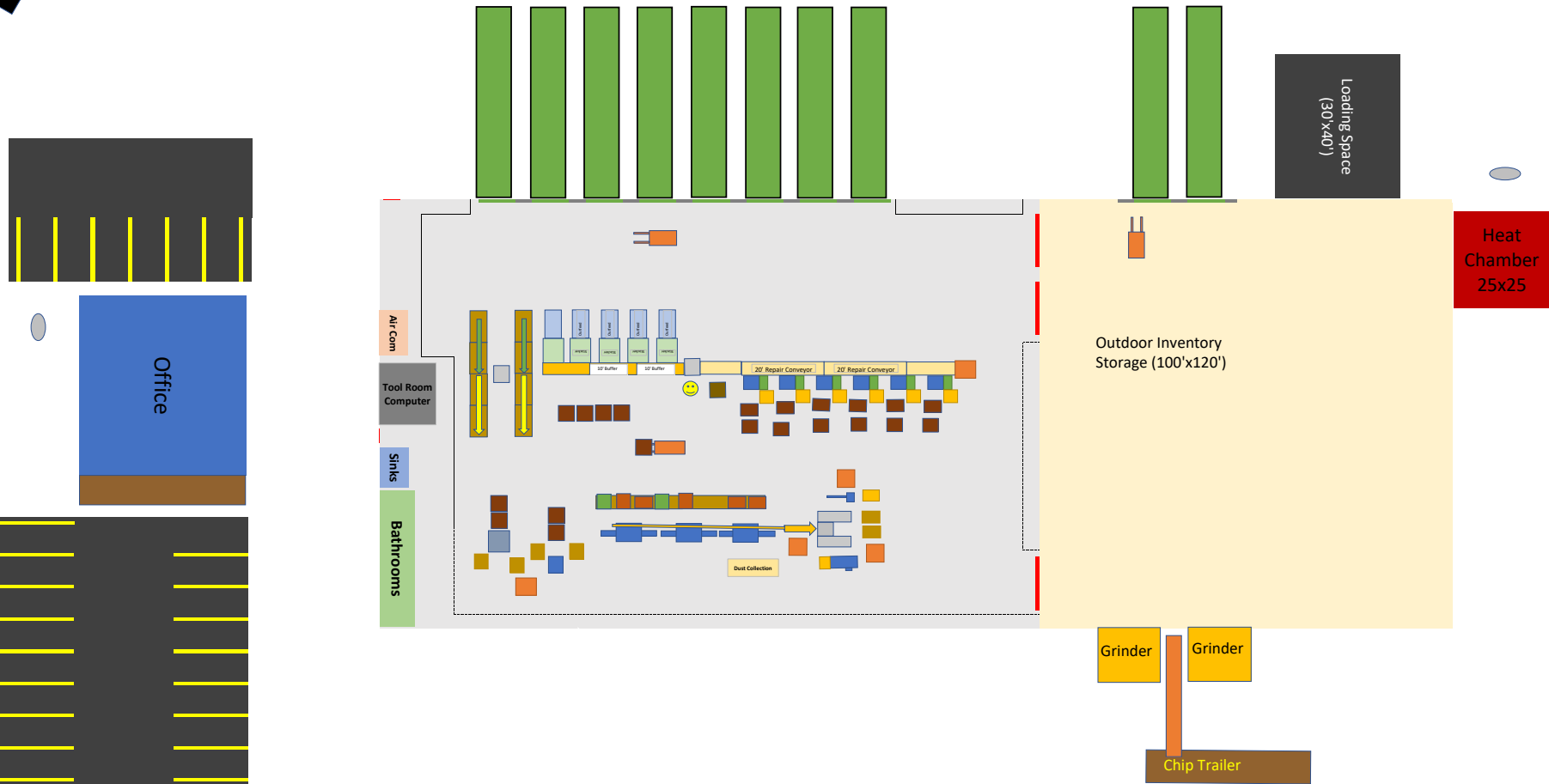




Master Floor Plan



Appendix 3





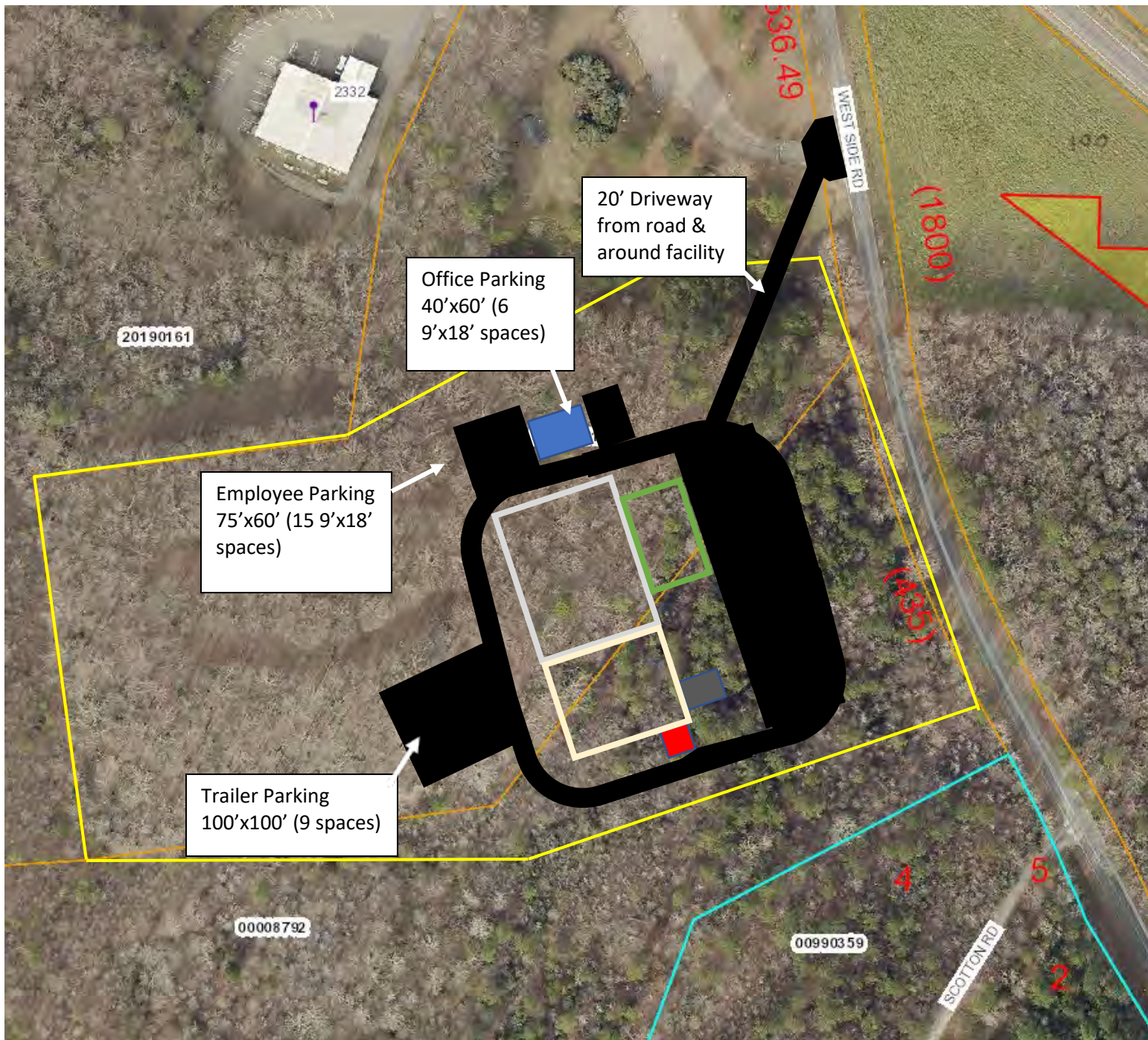




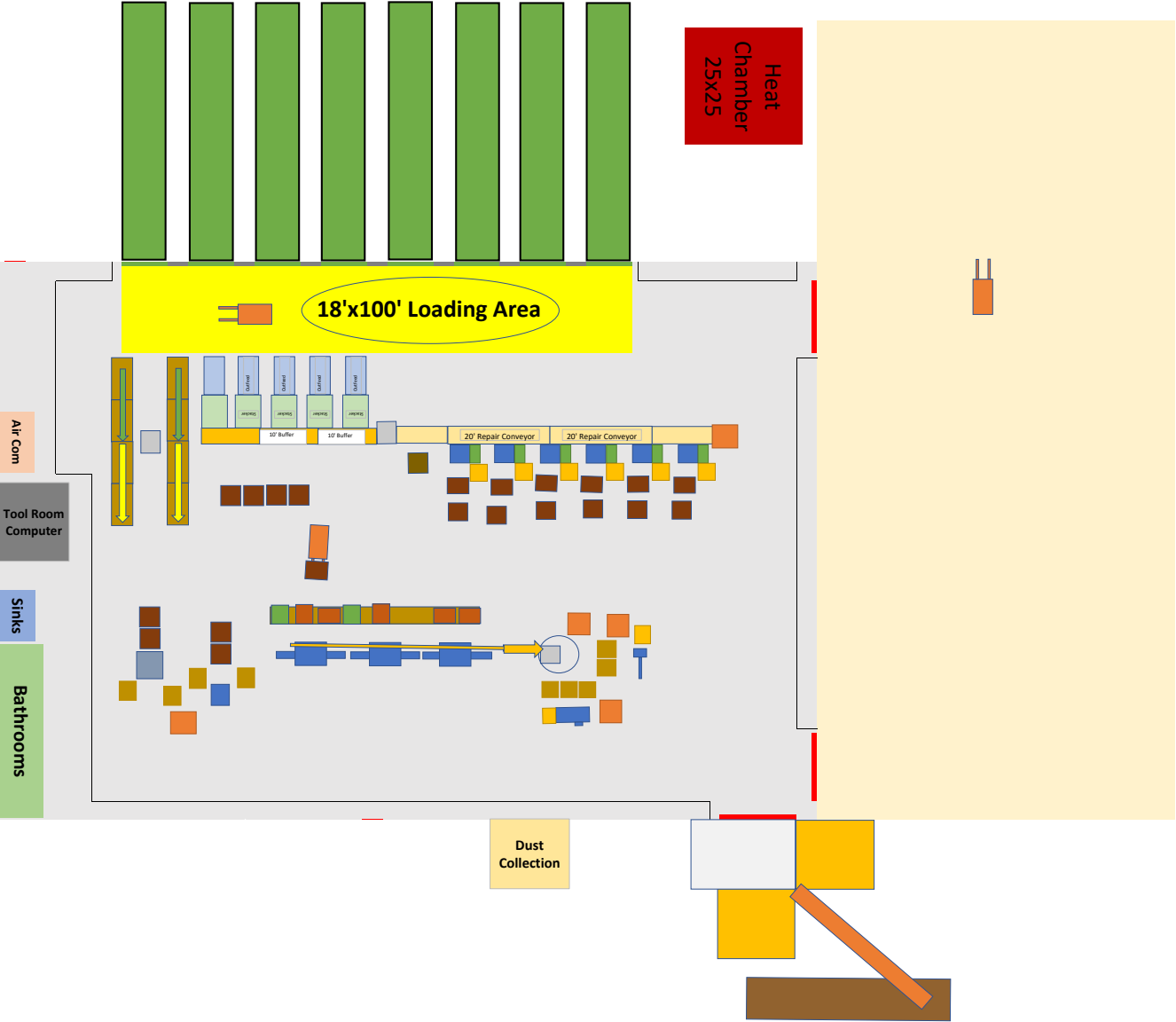


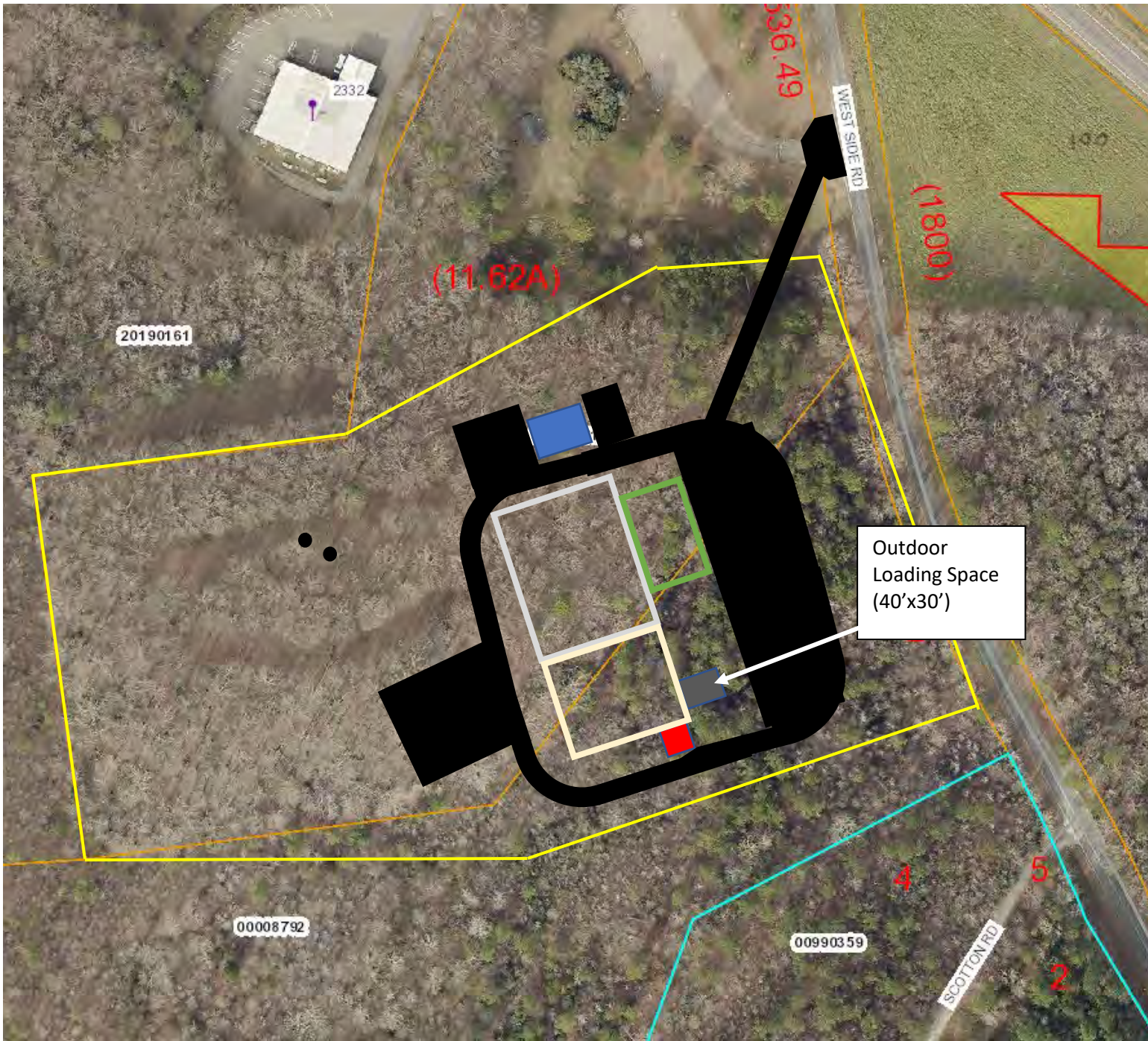












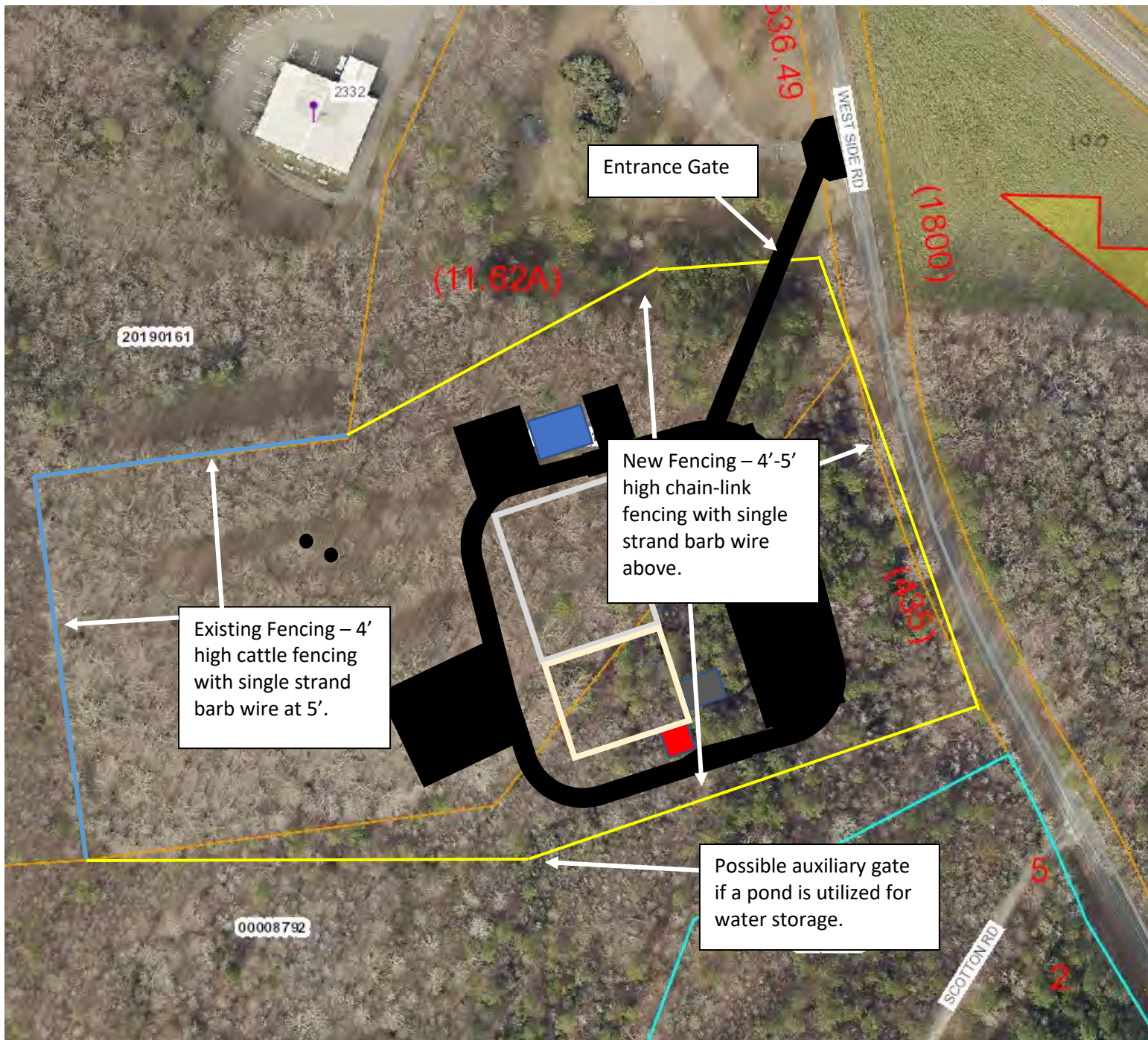














STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

April 22, 2020

MOORE COUNTY

Mr. Matthew Reeder  
Reeder Pallet Co. Inc.  
476 Reeder Rd.  
Seagrove, NC 27341

**SUBJECT: DRIVEWAY PERMIT- Access to SR 1427 (West Side Rd.)  
Commercial (Reeder Pallet Company, Inc.)  
Permit # 63-821397**

Dear Mr. Reeder:

Attached for your information and file is an approved copy of the Driveway Permit listed for the above location. In addition, this permit is valid only if the below items are followed completely:

1. Driveway Special Provisions, attached.
2. REDLINED illustrations showing driveway connection, attached.
3. **This permit will be valid upon the successful acquisition by the applicant of the property being accessed by this drive connection.**
4. Driveway Connection and Slope and Grade details, attached.

Prior to commencing any work in the State right-of-way, please contact Mr. Josh Brooks, County Maintenance Engineer, at (910) 773-8070 to schedule inspection.

*Mailing Address:*  
NC DEPARTMENT OF TRANSPORTATION  
DIVISION 8 - DISTRICT 2  
902 N. SANDHILLS BLVD.  
ABERDEEN, NC 28315

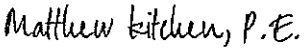
Telephone: (910) 944-7621  
Fax: (910) 944-5623  
Customer Service: 1-877-368-4968

Website: [www.ncdot.gov](http://www.ncdot.gov)

*Location:*  
902 N. SANDHILLS BLVD.  
ABERDEEN, NC 28315

If this office can be of further assistance, please advise.

Sincerely,

DocuSigned by:  
  
DE44C89F48C74D9 .

Matthew W. Kitchen, P.E.  
District Engineer

MWK: ksr  
Attachments  
CC: Josh Brooks, PE  
Mary Helms  
File

*Mailing Address:*  
NC DEPARTMENT OF TRANSPORTATION  
DIVISION 8 – DISTRICT 2  
902 N. SANDHILLS BLVD.  
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*Location:*  
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ABERDEEN, NC 28315



## DRIVEWAY SPECIAL PROVISIONS

Permit # 63-821397

- A. A copy of this permit shall be on site at all times during construction within State Right of Way.
- B. This permit is for one year from date on coverletter. With a request in writing the permit may be extended once for 90 days. Applicant must provide written notification when construction starts and when it is completed. Final approval by the District Engineer is required prior to opening the access for public use.
- C. The entrance on to SR 1427 is to be constructed in accordance with the attached detail sheet. At no time shall run-off enter the travel lanes of SR 1427.
- D. The traveling public shall be warned of construction with complete and proper signing and traffic control devices in accordance with the current Manual on Uniform Traffic Control Devices (MUTCD). No work shall be performed in the Right of Way unless this requirement is satisfied. NCDOT reserves the right to require a written traffic control plan for encroachment operations. Traffic control devices and operations shall include, but are not limited to the following:
- Adequate and appropriate advance warning signs for any and all work zones closed or obstructed areas.
  - "End Construction" signage beyond the end of all work zones.
  - Adequate and appropriate delineation and control devices for all work zone areas including but not limited to lane closures, disturbed areas, and active work sites.
  - Properly trained and equipped flagmen.
  - Proper maintenance of all traffic control devices, including but not limited to proper signage and controls during periods of inactivity and removal of inappropriate traffic control signage and/or devices.
- E. All soil areas within the right-of-way of SR 1427 and any other soil areas disturbed during construction shall be seeded and mulched immediately upon completion of driveway construction.
- F. No parking or outdoor advertising signs shall be allowed inside the right-of-way.
- G. Erosion control devices must be in place and functioning during the construction phase.
- H. The Driveway entrance shall require improvements as shown on the approved plans/details. The improvements are to be installed by the owner and inspected by the Department of Transportation at a set rate of \$50.00.
- I. This permit is for access to SR 1427 only. It is not Certification of Subdivision Plats as stated in General Statute 136-102.6.

Mailing Address:  
NC DEPARTMENT OF TRANSPORTATION  
DIVISION 8 - DISTRICT 2  
902 N. SANDHILLS BLVD.  
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Location:  
902 N. SANDHILLS BLVD.  
ABERDEEN, NC 28315



- J. It is agreed that the Department of Transportation grants to the owner/applicant the right and privilege to make this driveway connection as shown on attached plan sheets, specifications, and special provisions A. to K. which are made a part hereof.
- K. Please contact Mr. Josh Brooks, County Maintenance Engineer, at 910-773-8070 and Mr. Kevin Reddinger District 2 Office, at 910-944-7621, prior to starting construction within the right-of-way and upon completion of the driveway.

*Mailing Address:*  
NC DEPARTMENT OF TRANSPORTATION  
DIVISION 8 – DISTRICT 2  
902 N. SANDHILLS BLVD.  
ABERDEEN, NC 28315

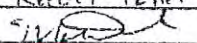

Telephone: (910) 944-7621  
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Website: [www.ncdot.gov](http://www.ncdot.gov)

Location:  
902 N. SANDHILLS BLVD.  
ABERDEEN, NC 28315

APPLICATION IDENTIFICATION		N.C. DEPARTMENT OF TRANSPORTATION	
Driveway Permit No. <b>63-821397</b>	Date of Application	STREET AND DRIVEWAY ACCESS PERMIT APPLICATION	
County:			
Development Name:			
<b>LOCATION OF PROPERTY:</b>			
Route/Road: <u>2344 NC Hwy 705, Robbins - West Side Rd</u> <b>SR 1427</b>			
Exact Distance	<input type="checkbox"/> Miles <input checked="" type="checkbox"/> Feet	N <input type="checkbox"/> S <input checked="" type="checkbox"/> E <input type="checkbox"/> W	
From the Intersection of Route No. <u>Hwy 705</u> and Route No. <u>West Side Rd</u> Toward			
Property Will Be Used For: <input type="checkbox"/> Residential /Subdivision <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Educational Facilities <input type="checkbox"/> TND <input type="checkbox"/> Emergency Services <input type="checkbox"/> Other			
Property: <input type="checkbox"/> is <input checked="" type="checkbox"/> is not within <u>Robbins</u> City Zoning Area			
<b>AGREEMENT</b>			
<ul style="list-style-type: none"> <li>• I, the undersigned property owner, request access and permission to construct driveway(s) or street(s) on public right-of-way at the above location.</li> <li>• I agree to construct and maintain driveway(s) or street entrance(s) in absolute conformance with the current "Policy on Street and Driveway Access to North Carolina Highways" as adopted by the North Carolina Department of Transportation.</li> <li>• I agree that no signs or objects will be placed on or over the public right-of-way other than those approved by NCDOT.</li> <li>• I agree that the driveway(s) or street(s) will be constructed as shown on the attached plans.</li> <li>• I agree that that driveway(s) or street(s) as used in this agreement include any approach tapers, storage lanes or speed change lanes as deemed necessary.</li> <li>• I agree that if any future improvements to the roadway become necessary, the portion of driveway(s) or street(s) located on public right-of-way will be considered the property of the North Carolina Department of Transportation, and I will not be entitled to reimbursement or have any claim for present expenditures for driveway or street construction.</li> <li>• I agree that this permit becomes void if construction of driveway(s) or street(s) is not completed within the time specified by the "Policy on Street and Driveway Access to North Carolina Highways".</li> <li>• I agree to pay a \$50 construction inspection fee. Make checks payable to NCDOT. This fee will be reimbursed if application is denied.</li> <li>• I agree to construct and maintain the driveway(s) or street(s) in a safe manner so as not to interfere with or endanger the public travel.</li> <li>• I agree to provide during and following construction proper signs, signal lights, flaggers and other warning devices for the protection of traffic in conformance with the current "Manual on Uniform Traffic Control Devices for Streets and Highways" and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the District Engineer.</li> <li>• I agree to indemnify and save harmless the North Carolina Department of Transportation from all damages and claims for damage that may arise by reason of this construction.</li> <li>• I agree that the North Carolina Department of Transportation will assume no responsibility for any damages that may be caused to such facilities, within the highway right-of-way limits, in carrying out its construction.</li> <li>• I agree to provide a Performance and Indemnity Bond in the amount specified by the Division of Highways for any construction proposed on the State Highway system.</li> <li>• The granting of this permit is subject to the regulatory powers of the NC Department of Transportation as provided by law and as set forth in the N.C. Policy on Driveways and shall not be construed as a contract access point.</li> <li>• I agree that the entire cost of constructing and maintaining an approved private street or driveway access connection and conditions of this permit will be borne by the property owner, the applicant, and their grantees, successors, and assignees.</li> <li>• <b>I AGREE TO NOTIFY THE DISTRICT ENGINEER WHEN THE PROPOSED WORK BEGINS AND WHEN IT IS COMPLETED.</b></li> </ul>			



## SIGNATURES OF APPLICANT

PROPERTY OWNER (APPLICANT)		WITNESS	
COMPANY	<u>Reeder Pellet Co. Inc.</u>	NAME	<u>Jacqueline Winbush</u>
SIGNATURE	<u> Matthew Reeder</u>	SIGNATURE	<u></u>
ADDRESS	<u>476 Reeder Rd. Seagrove, NC 27341</u>	ADDRESS	<u>410 Church St</u>
	Phone No. <u>336-879-3095</u>		<u>Bismarck NC 27209</u>

AUTHORIZED AGENT		WITNESS	
COMPANY	_____	NAME	_____
SIGNATURE	_____	SIGNATURE	_____
ADDRESS	_____	ADDRESS	_____
	Phone No. _____		_____

## APPROVALS

### APPLICATION RECEIVED BY DISTRICT ENGINEER

DocuSigned by:  
Matthew Kitchen, P.E.  
 SIGNATURE SC74D9...

4/9/2020

DATE

### APPLICATION APPROVED BY LOCAL GOVERNMENTAL AUTHORITY (when required)

SIGNATURE

TITLE

DATE

### APPLICATION APPROVED BY NCDOT

DocuSigned by:  
Matthew Kitchen, P.E.  
 SIGNATURE SC74D9...

District Engineer

4/22/2020

TITLE

DATE

### INSPECTION BY NCDOT

SIGNATURE

TITLE

DATE

### COMMENTS:



## Reeder Pallet Co. Inc.

476 Reeder Road  
Seagrove, NC 27341

www.reederpallet.com  
336-879-3095

April 9, 2020

Kevin Reddinger  
NC Department of Transportation  
902 N. Sandhills Blvd  
Aberdeen, NC 28315

Kevin,

I appreciate your review of this application for DOT driveway approval of the Reeder Pallet project at the intersection of Highway 705 and West Side Road, north of Robbins. This project is tentative, depending upon the approval of the conditional rezoning package that has been submitted to the Moore County Planning Department. Due to the unsure nature of this project as it awaits Board approval, we have not invested in engineered drawings. Thus, I really do appreciate your review of this project, especially considering the fact that the Planning Board has requested information related to your approval of it. I have provided the following maps and diagrams, and they are, to the best of my ability, drawn to scale to represent the scope and size of this project. Additionally, from a telephone conversation with you on Friday March 13<sup>th</sup>, I learned that your engineers will want to see this property and the placement of our ideas. Thus, I have also used this time to stake off the building, office, docks and entrance road to provide your engineers the physical representation of our plans.

I certainly hope the following pages can provide the scope of what you need to determine the feasibility of this project. Please feel free to submit further questions to me. I am readily available to help in any way I can.

Sincerely,

Matthew Reeder  
Reeder Pallet Co. Inc.





## Reeder Pallet Co. Inc.

476 Reeder Road  
Seagrove, NC 27341

[www.reederpallet.com](http://www.reederpallet.com)  
336-879-3095

First let me provide a brief overview of our business. Reeder Pallet Co. Inc. was created in July of 1989 by my father and our business is recycling wooden pallets. We are currently operating on a four acre tract with a 3,080 square foot building that we built in 1994 and have long outgrown. We own three trucks and about 60 trailers, spotted at various businesses in North and South Carolina, that we use to obtain broken wooden pallets. The pallets whose size and quality are sellable are repaired, the broken boards are removed and replaced with good boards. Those pallets that are not sellable are dismantled into component pieces and this wood is used to support the repair and remanufacturing parts of our business. Remanufacturing pallets involves making new pallets from recycled lumber, usually to a custom size for a particular use by a customer. All other unusable pallets and wood waste are ground into mulch at our facility and the mulch is taken to a regrinding site. On average we process 7,000 to 10,000 pallets per week. My current employment level is 21, and I envision the business growing, if we are fortunate enough to relocate, to the point where we employ about 25-30 employees over the next 10 years.

Let me first start with the first page, the Overall Site Layout, which shows the placement of the various items on the site map. Starting at the top, right caption, we will be entering the facility from the existing driveway entrance on West Side Road. This driveway was created when the rest area was built and the entrance is 64' wide, with a sufficient tile to accommodate our main entrance. Our new driveway is 20' wide at the "throat" and leads to a cleared, graveled area for dock access. It will run the length of the overall site (approximately 350' wide) and have a length of 120'. The green box is the area set aside for eight 53' tractor trailers. Thus, when my drivers arrive with a trailer they will enter from West Side road, travel down the driveway to the dock access area where they will have room to turn their trailers around and back into the docks. Additionally, as noted by the black on the layout, there will be a 20' road around the entirety of the facility, per Fire Marshall regulation. This road will also lead to a separate parking area for extra trailer parking behind the facility, as well as employee and visitor parking around the office on the north side of the plant. Let me point out that the Site Layout is showing both a water tower and a pond with road access to it. This new facility will require a sprinkler system and must have water storage for that system. At this point we are evaluating both options of a water tower and a pond for the water storage, and when we get further along with this project and the costs and factors are more known, a choice will be made between the two. As it stands now, I am planning for both possibilities.

The building itself and it's surrounding details can better be understood via the Master Floor Plan on the next page. As in the Overall Site Layout, the building is the gray box. It is a 160'x120' building, 19,200 square feet, with the eight docks. The yellow box to the side is a 70'x170' outdoor concrete pad for inventory storage. At the back of the facility is our grinder (the floor plan shows two, but I currently only have one. I'm designing this facility to house quite a bit of growth for the future.) Finally, the blue box is the 50'x40' office, 2,000 square feet. The road has been deliberately left off this one plan, as the focus of this plan has been the internal layout of the plant and how the work will flow throughout it.

The details of the driveway entrance are on the third page, the Driveway Details. It does not have the complete layout of the site, as I zoomed in a bit to provide a better look at the entrance and measurements. The "throat" of the driveway, the point where the driveway closes to 20' wide, is located 150' from the northernmost point of the entrance and 102' from the southernmost point. The entrance itself is 64' wide. This is approximately a 20° angle at the throat. The main driveway stretches





## Reeder Pallet Co. Inc.

476 Reeder Road  
Seagrove, NC 27341

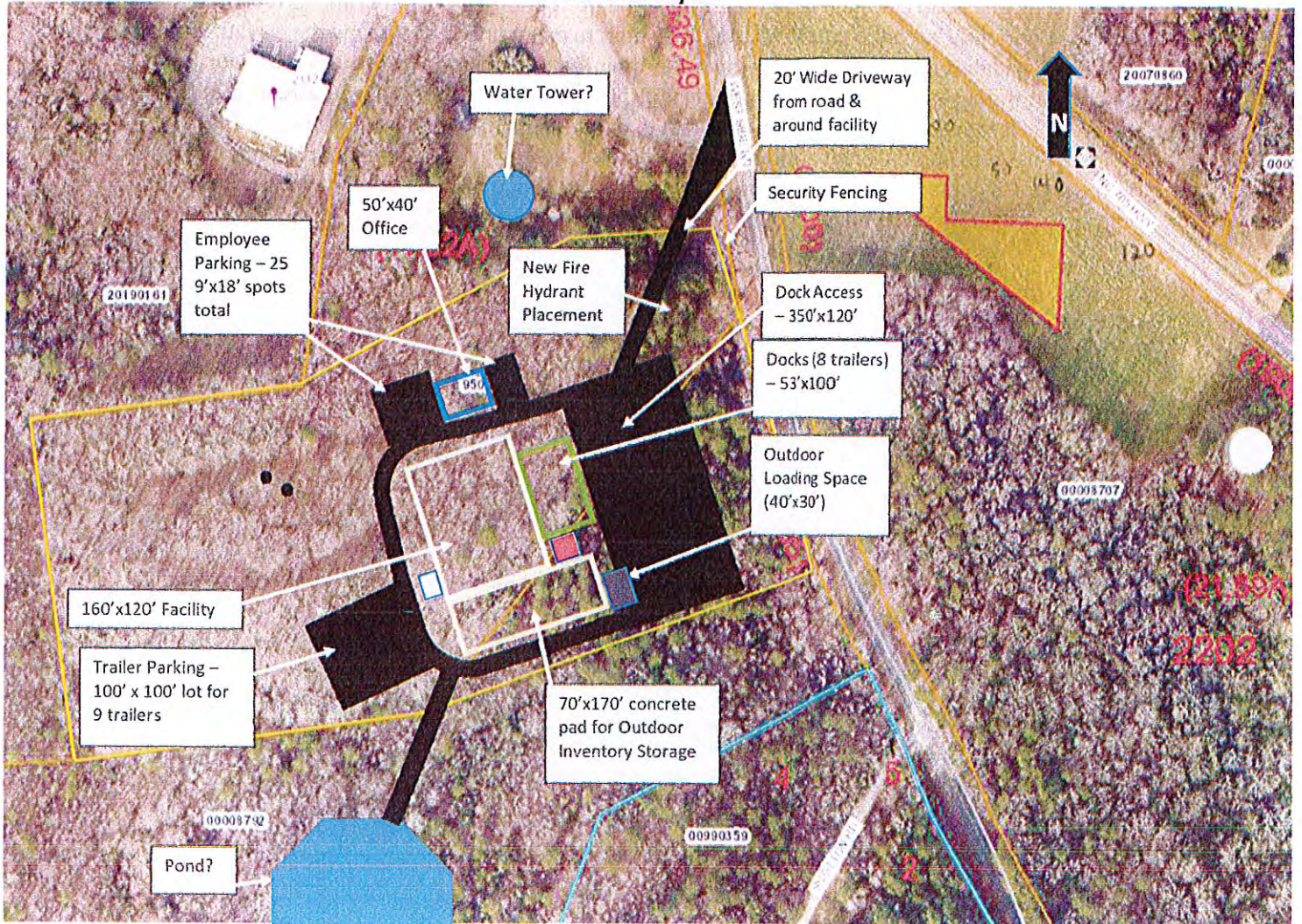
[www.reederpallet.com](http://www.reederpallet.com)  
336-879-3095

approximately 225' until it ends in the Dock Access area, which, as described previously, is a graveled area for our tractor trailers to turn around so the trailers may be backed into the docks.

Finally, the last page is the grade details. Much like the previous page, it only partially shows all our site plans and I have left the boxes empty to show the natural grade of the land. The question was raised of our plans for drainage. The natural grade of the land, as shown here, slopes away from West Side Road. West Side Road has an elevation of 544 feet, while the front of the Dock Access area is roughly 540 feet. While we obviously intend to grade this site, the plan is to maintain the site below the elevation of West Side Road, and thus there would not be any water drainage into the road from our facility. Further, if you look at the next page, which is a larger, clear display of the lay of the land, you will see that the land elevation falls the further south it goes. As a result, our desire is to have the water from our facility drain to the south into the empty land below it. This also factors into our potential placement of a pond to the south of our facility for water storage. Thus, it is our plan that West Side Road will not be impacted at all from water drainage due to the presence of our facility.

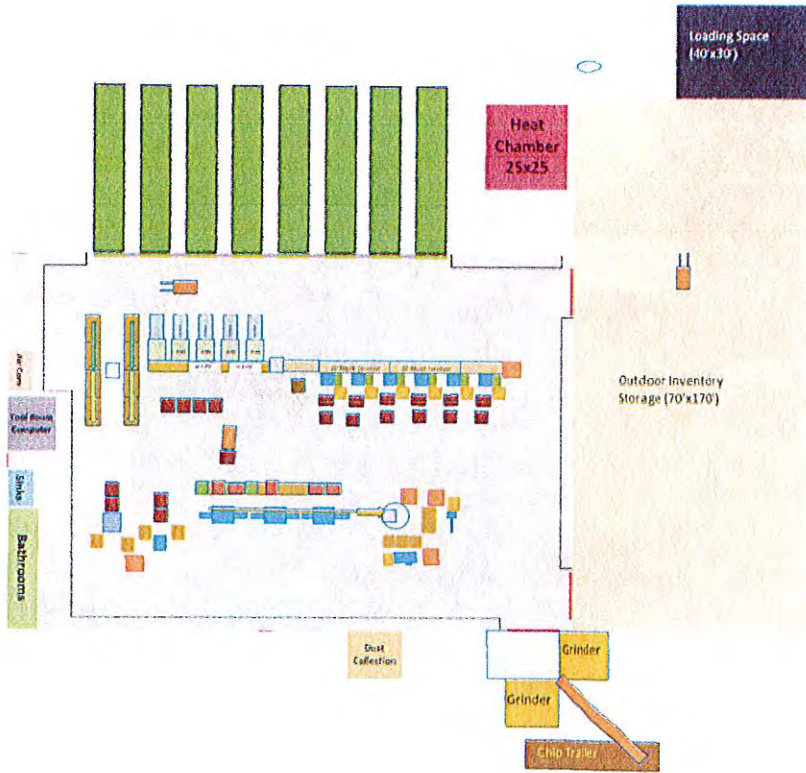
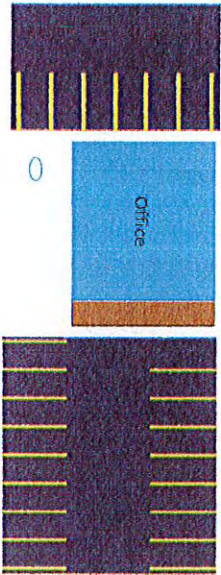


# Overall Site Layout





## Master Floor Plan



**Plan:**  
- Defined rules for forklifts.  
- One of his rooms to go in/around.  
- Possible if we scrap the Ventura format.  
- Docks, grinder & inventory space are all away from neighbors.  
- Inventory space is expandable somewhat.

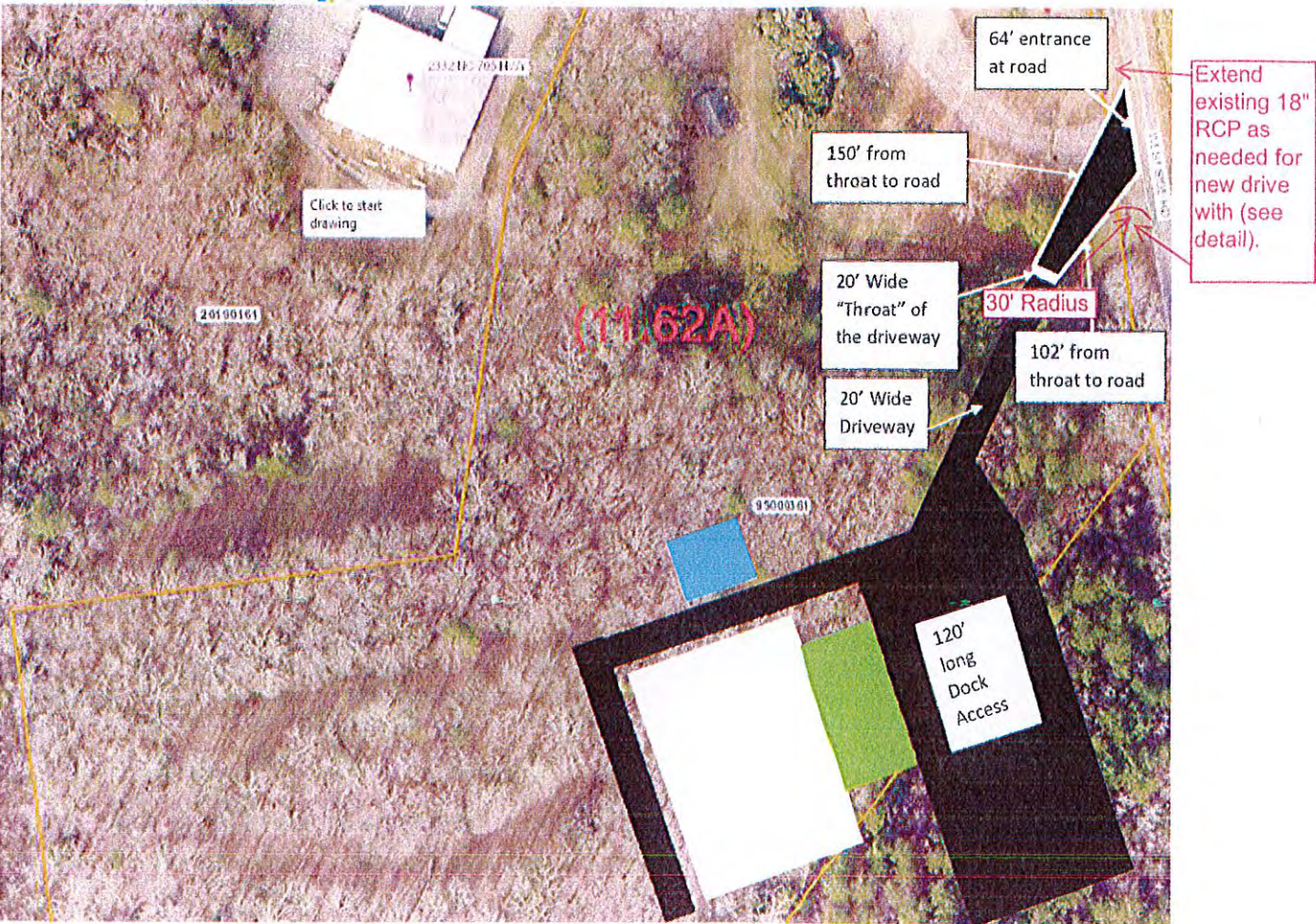
**Cons:**  
- No room for junk storage at grinder. We cannot get backed up on scrap without sacrificing inventory space.  
- Room is somewhat tight.  
- 23' wide.

**Note:** If we do not go with the Ventura idea, switch the repair to the other side.

**Forklift Notes:**  
- 13,700 square feet of space to be for 160x120 with 16' clearance.  
- 8' inside docks, 3' wide, 4' clearance between each dock.  
- 13,900 square feet of outside concrete space for inventory - 70x170.  
- 20'x15' "parks" opposite the docks for the grinders.  
- Office is a 50x10 metal building.



Driveway Details





2932 HC 705 H 27

20190161

(11.62A)

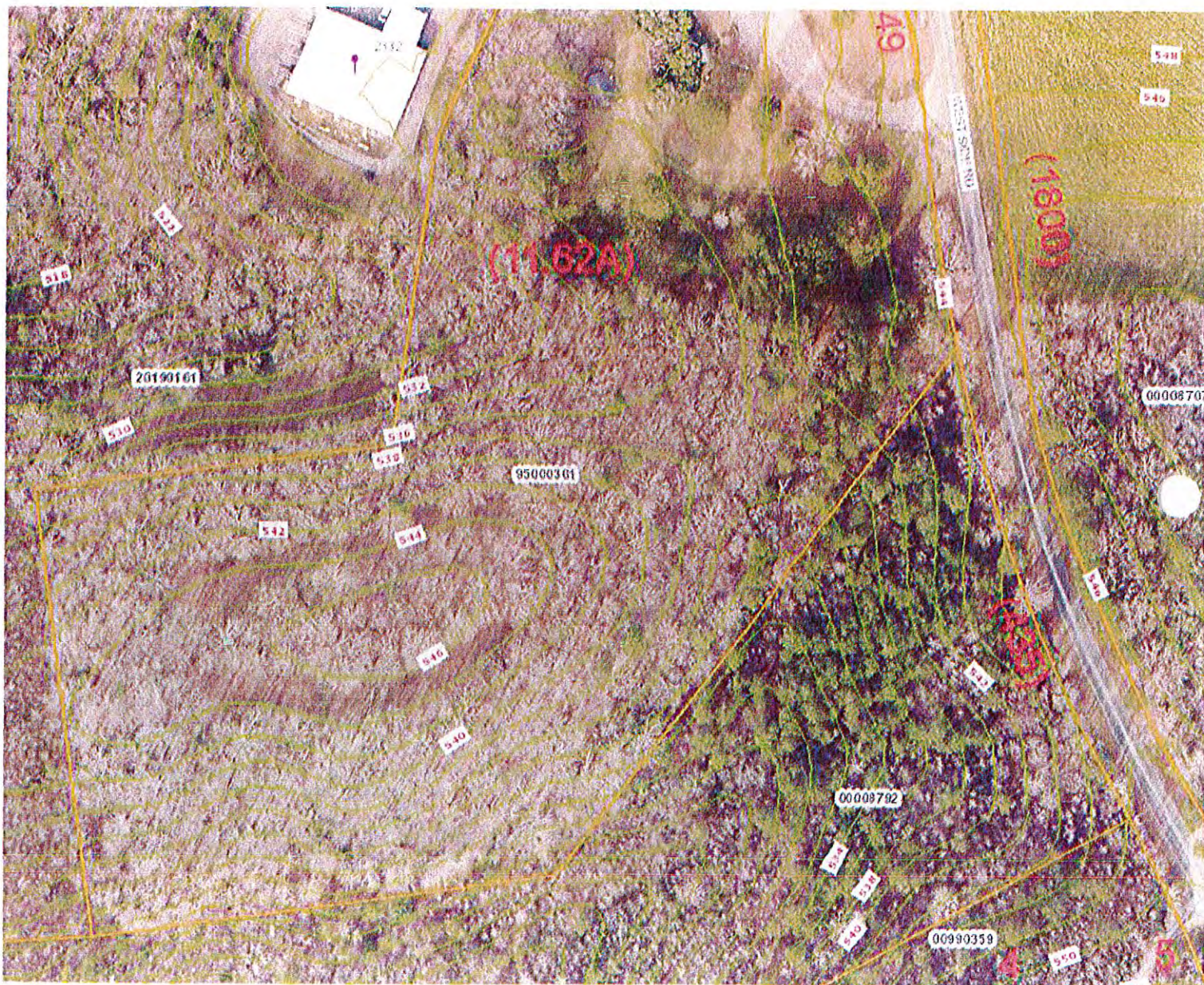
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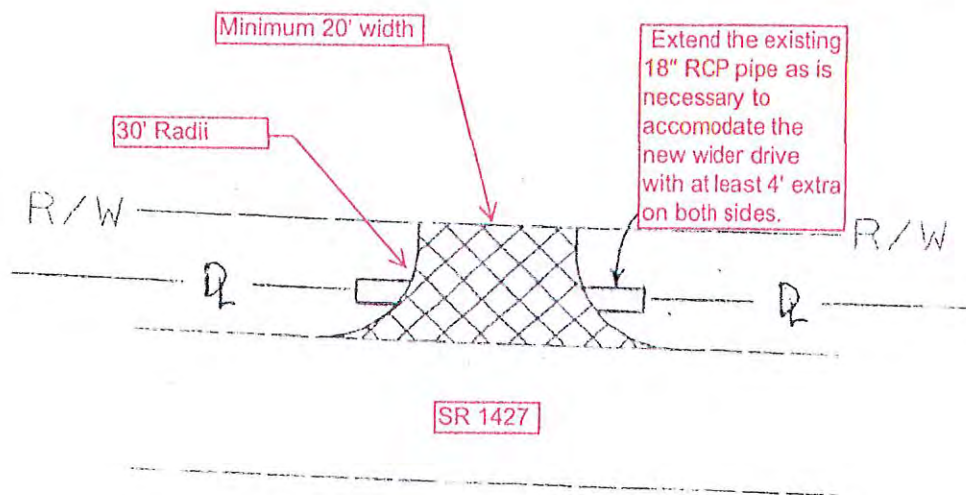
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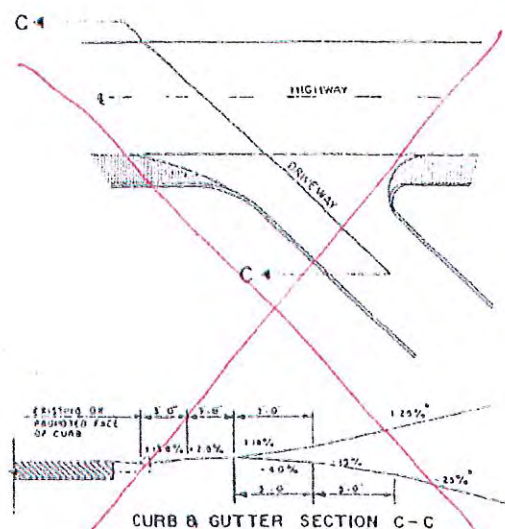
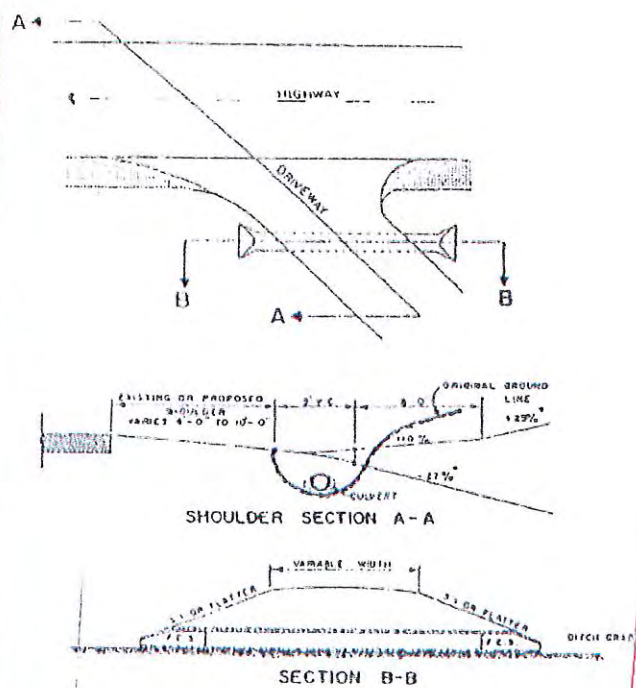
## STREET TYPE DRIVEWAY CONNECTION



D = DITCHLINE

 = AREA TO BE PAVED with concrete or asphalt.

NOT TO SCALE



\* MAXIMUM LIMIT FOR VEHICULAR CLEARANCE, 1.15% DESIRABLE MAXIMUM.

#### LEGEND

V.C. = VERTICAL CURVE

SLOPE (%) =  $\frac{\text{CHANGE IN ELEVATION}}{\text{HORIZONTAL DISTANCE}} \times 100$

### SLOPE AND DRAINAGE REQUIREMENTS

FIGURE 16

### Driveway Pipes

Driveway pipes must be laid properly to provide positive drainage. If the pipe is installed incorrectly then water will accumulate and not fall to its natural discharge. The inverts should be placed at the flow line of the ditch and should be an adequate size (minimum 15 inch) to convey drainage from upstream pipes including crosslines. When connected to pipe frontage material changes should be done within a NCDOT approved structure.

Driveway Material	Min. Cover over RCP	Min. Cover over HDPE or CMP
Typ. 4 Inch Concrete	0 in.	4 in.
Asphalt or Non-paved	8 in.	12 in.

Minimum cover required for the type of pipe and driveway material.

Driveway pipes should not be blocked more than 20% of the opening. (i.e. 15 inch pipe could be blocked up to 3 inches on the inlet and outlet.) Any blockage has the potential to put excess strain on the pipe and result in failure. Damaged pipes should be assessed and if structurally deficient should be replaced prior to addition.





STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

April 22, 2020

COUNTY: MOORE COUNTY

MEMORANDUM TO: Mr. David Tyeryar, Fiscal Section – NCDOT, Raleigh, NC

FROM: Matthew W. Kitchen, P.E.  
District Engineer

DocuSigned by:

Matthew Kitchen, P.E.

DE44C69F4BC74D9

SUBJECT: DRIVEWAY PERMIT – Commercial

Attached herewith is a check in the amount of \$50.00 to cover the construction inspection fee for the Driveway Permit #63-821397 in Moore County (Access to SR 1427). Fund # 150363-47900024-8.206311-3846.

If this office can be of further assistance, please advise.

MWK/ksr

Cc: Mr. Josh Brooks, PE  
File

Mailing Address:  
NC DEPARTMENT OF TRANSPORTATION  
DIVISION 8 – DISTRICT 2  
902 N. SANDHILLS BLVD.  
ABERDEEN, NC 28315

Telephone: (910) 944-7621  
Fax: (910) 944-5623  
Customer Service: 1-877-368-4968

Website: [www.ncdot.gov](http://www.ncdot.gov)

Location:  
902 N. SANDHILLS BLV  
ABERDEEN, NC 28315

**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**Conditional Use Rezoning Request**  
**Rural Agricultural (RA) to Rural Agricultural**  
**Conditional Zoning (RA-CZ) – Pallet Recycling and Production**

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Recommendation 1.7: Support and promote local businesses.
- Action 1.7.2 Encourage emerging markets that utilize local agricultural and manufactured products, and enhance tourism and the service sector.
- Action 1.8.5: Support and promote infill development that will optimize the use of existing infrastructure.

Goal 3: Optimize the Uses of Land Within the County of Moore

- Recommendation 3.4 Encourage development in areas where the necessary infrastructure (roads, water, sewer, and schools) are available, planned, or most cost-efficiently be provided and extended to serve development.
- Action 3.4.1 Direct intensive land uses to areas that have existing or planned infrastructure.

2. The rezoning request is reasonable and in the public interest due to the need of Pallet Recycling and Production Facilities in Moore County.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the Conditional Rezoning request from Rural Agricultural (RA) to Rural Agricultural Conditional Zoning (RA-CZ) for a Pallet Recycling and Production Facility, located on two properties: ParID 95000361 and 00008792, the total being approximately 28.9 acres, located at 2344 NC Hwy 705 and adjacent to West Side Road, Robbins.

---

Joe Garrison, Chair  
Moore County Planning Board

---

Date

**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**Conditional Use Rezoning Request**  
**Rural Agricultural (RA) to Rural Agricultural**  
**Conditional Zoning (RA-CZ) – Pallet Recycling and Production**

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

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- Recommendation 1.7: Support and promote local businesses.
- Action 1.7.2 Encourage emerging markets that utilize local agricultural and manufactured products, and enhance tourism and the service sector.
- Action 1.8.5: Support and promote infill development that will optimize the use of existing infrastructure.

Goal 3: Optimize the Uses of Land Within the County of Moore

- Recommendation 3.4 Encourage development in areas where the necessary infrastructure (roads, water, sewer, and schools) are available, planned, or most cost-efficiently be provided and extended to serve development.
- Action 3.4.1 Direct intensive land uses to areas that have existing or planned infrastructure.

2. The proposed rezoning is not reasonable and not in the public interest because the proposed rezoning will have an unreasonable impact on the surrounding community.

Therefore, the Moore County Planning Board recommends **DENIAL** of the Conditional Rezoning request from Rural Agricultural (RA) to Rural Agricultural Conditional Zoning (RA-CZ) for a Pallet Recycling and Production Facility, located on two properties: ParID 95000361 and 00008792, the total being approximately 28.9 acres, located at 2344 NC Hwy 705 and adjacent to West Side Road, Robbins.

---

Joe Garrison, Chair  
Moore County Planning Board

---

Date



## COMMUNITY MEETING REPORT

Tuesday June 16, 2020 6:30 p.m. – 7:30 p.m.

Proposed Pallet Recycling and Production Facility – 2344 NC Hwy 705 Robbins, NC

**Community Members Present:**

None present

**Applicant's Representative Present:**

Matthew Reeder

**Planning Staff Present:**

Debra Ensminger, Dervin Spell, Stephanie  
Cormack

The community meeting was opened at 6:30 pm. No adjacent property owners were in attendance. The meeting was attended only by the applicant's representative and planning staff.

List of those notified of the Community Meeting (certified mailings to adjacent properties):

COMER, MARY RITTER (LE)	LANDMARK CAPITAL INVESTMENTS
COUNTY OF MOORE	SANDHILLS COMMUNITY COLLEGE
LAMBETH, DORIS C	REEDER PALLET CO INC. & MATTHEW REEDER

Submitted by,



Dervin Spell, AICP, CFM

Planner – Moore County Planning and Transportation

2344 NC Hwy 705- RA-CZ - Pallet Recycling and Production Facility

Community Meeting

16-Jun-20

NAME

Address

Matthew Reeder

593 Dynasty Dr. Asheboro, NC 27205

Debra Ensminger

1048 Carriage Oaks Drive Carthage NC 28327

Steph Cormack

1018 Carriage Oaks Dr Carthage

Derlin Spill

1048 Carriage Oaks Dr. Carthage NC

FOR REGISTRATION REGISTER OF DEEDS  
Judy D. Martin  
Moore County, NC  
May 18, 2007 01:49:24 PM  
Book 3231 Page 287-291  
FEE: \$26.00  
NC REVENUE STAMP: \$1.00  
INSTRUMENT # 2007009472



INSTRUMENT # 2007009472

Excise Stamps \$

Recording Time, Book & Page

Drafted by John M. May, Attorney at Law  
120 Applecross Road  
Pinehurst, NC 28374  
No Title Examination by drafting attorney

Brief Description for Index: Tracts 3 & 4 , Craven Division

### NORTH CAROLINA GENERAL WARRANTY DEED

THIS GENERAL WARRANTY DEED made this 15th day of May, 2007, by and between **Westmoore Agri-Civic Center Foundation, Inc., a North Carolina Non-Profit Corporation**, (hereafter "Grantor"), of 2355 N. Howard Mill Road, Robbins, NC 27325, and **Sandhills Community College, a community college organized under the laws of the State of North Carolina** (hereafter "Grantee"), of 3395 Airport Road, Pinehurst, NC 28374.

#### WITNESSETH:

The Grantor, for valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Sheffield Township, Moore County, North Carolina, and as more particularly described in attached Exhibit A.

Subject and together with utility easements, other easements and restrictive covenants that are enforceable against or a benefit to the property, if any, and to the lien for ad valorem property taxes for the current year to be prorated at closing.



The property hereinabove described as Tract 3 was acquired by Grantor by instrument recorded in Book 1273, Page 0070, of the Moore County Registry. The property hereinabove described as Tract 4 was acquired by Grantor by instrument recorded in Book 1291, Page 330, and Book 1291, Page 332 of the Moore County Registry.

The above described property is being conveyed by the Grantor subject to the Grantor's right to use the dirt road currently running from a point from Jimmie and Rachel Smith's property across Tract 4, provided, however, the Grantee, at its option, shall have the right to relocate said road to another location on the Property on the condition that Grantee constructs a road of similar quality which will continue to provide access to West Side Road.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions noted herein.

The designations "Grantor" and "Grantee" as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals or if corporate has caused this instrument to be executed in its official capacity, the day and year first above written.

The remainder of this page intentionally left blank.

WESTMOORE AGRI-CIVIC CENTER FOUNDATION, INC.

By: Robert Holden (SEAL)  
Robert Holden  
Its: President

STATE OF NORTH CAROLINA

COUNTY OF MOORE

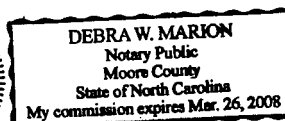
I, Debra W. Marion, a Notary Public of the County and State aforesaid, certify that Robert Holden, either being personally known to me or proven by satisfactory evidence (said evidence being NCDL), personally came before me this day and acknowledged that he the President of the WESTMOORE AGRI-CIVIC CENTER FOUNDATION, INC., a North Carolina Non-Profit corporation, and that he, as President, being authorized to do so and as the act of the corporation on behalf of said partnership, voluntarily executed the foregoing on behalf of said corporation and general (or limited) partnership for the purposes stated therein.

Witness my hand and official stamp or seal, this 15th day of May, 2007.

Date: May 15, 2007

Debra W. Marion  
Notary Public Debra W. Marion

My Commission Expires: March 26, 2008



## EXHIBIT "A"

### Tract 3

All of that certain tract or parcel of land containing 39.398 acres and being Tract 3 of the division of Waldon Braxton Craven lands and shown on a map hereinafter referred to and bounded on the north and east by NC High 705 (Old Plank Road) and State Road No. 1427 (paved) and Tract 4 of the Craven division, on the south by Tract 4 of the Craven division and on the west by Tract 2 of the Craven division, particularly described as follows: BEGINNING at a P.K. nail at a point where the center of N.C. Highway 705 (Old Plank Road) intersects with the center of State Road No. 1427(paved) and running thence the following courses and distances with the center of S.R. No. 1427: South 20 deg. 17 min. East 502.55 feet; South 21 deg. 16 min. East 102.01 feet; South 24 deg27 in. East 103.58 feet; South 28 deg. 53 min. East102.61 feet; South 31 deg. 08 min. East 102.34 feet; center of said road and also the northernmost corner of Tract 4 of the Craven division; thence with the western line of Tract 4 of said division, South 53 deg. 19 min. West 370.00 feet to a new iron road; thence South 10 deg. 53 min. West 821.97 feet to a new iron rod; thence South82 deg. 57 min. West 588.00 feet to a new iron rod; thence as the eastern line of Tract 2 of said Craven division, North 3 deg. 33 min. West 1,937.83 feet to a new iron rod; thence continuing with the eastern line of Tract 2 of said division, North 26 deg. 52 min. East 450.00 feet to the centerline of NC Highway 705; thence along the centerline of NC Highway 705 South 59° 07' East to the Beginning and containing 39.398 acres, more or less.

The above described parcel of land is part of a 135 acre tract of land conveyed to W.B. Craven by J.C. Jones and wife, Cornelia Jones, February 28, 1930, and duly recorded in Deed Book 108, Page 145 in the Office of the Register of Deeds for Moore County. Being the same property as that conveyed in Deed Book 759, page 139, of the Office of the Register of Deeds for Moore County.

The above described parcel of land is shown as Tract 3, on a map entitled "Craven-Survey-Division at Westmoore Sheffield Township, Moore County, North Carolina," dated February 14, 1989, prepared by Roger Clarence Cagle, RLS, said map being duly recorded in Plat Cabinet 4, Slide 167, in the Office of the Register of Deeds of Moore County.

For further reference, see Records Book 653, Page 035 in the Moore County Registry.

EXCEPTING THEREFROM, not conveyed herewith an 11.927 acre tract. Said tract was conveyed to the North Carolina Department of Transportation by instrument recorded in Book 1104, page 543, Moore County Registry.



EXHIBIT "A"  
(Continued)

Tract 4

A certain tract or parcel of land containing 30.383 acres and lying and being in Sheffield Township, Moore County, North Carolina, particularly described as follows:

BEGINNING at a point in the center of State Road No. 1427 (paved) said point also being the easternmost corner of Tract 3 of the Weldon Braxton Craven Division as shown on a map hereinafter referred to and running as the center of said State Road South 38° 18' East 100.84 feet to a point in the center of said road the following courses and distances: south 38° 18' East 162.98 feet; South 38° 25' East 205.19 feet; South 36° 32' East 105.69 feet; South 32° 22' East 106.86 feet; South 27° 51' East 102.84 feet; South 23° 47' East 100.72 feet; South 20° 52' East 310.23 feet to a nail and cap in the center of said road; thence from the center of said road South 63° 28' west 973.00 feet to the center of an old road; thence South 63° 28' West 34.21 feet to a pine post and existing iron pipe; thence North 86° 17' West 748.32 feet to an axle and pine knot and stones (controlled corner); thence North 87° 20' West 647.46 feet to a cedar stake, stones (controlled corner); thence North 8° 36' West 193.40 feet to a new iron rod, a corner of Tract 2 (39.511 acres of the Weldon Braxton Craven Division); thence as the southern line of said Tract 2, North 82° 57' East 652.18 feet to a new iron rod, the southeastern corner of Tract 2 of the Craven Division and the southwestern corner of Tract 3 (39.398 acres) of said division; thence with the southern line of Tract 3 of said division, North 82° 57' East 588.00 feet to a new iron rod; thence North 10° 53' East 821.97 feet to a new iron rod; thence North 53° 19' East 370.00 feet to the Beginning, containing 30.383 acres, more or less.

The above described parcel of land is shown as Tract 4 on a map entitled "Craven - Survey - Division - at Westmore, Sheffield Township - Moore County, North Carolina", dated February 14, 1989, prepared by Roger Clarence Cagle, said map being duly recorded in Plat Cabinet 4, Slide 167, in the office of the Register of Deeds for Moore County.

For title back see Deed at Book 678, Page 558, Moore County Registry.

FOR REGISTRATION REGISTER OF DEEDS  
 Judy D. Martin  
 Moore County, NC  
 September 03, 2010 04:27:18 PM  
 Book 3770 Page 106-109  
 FEE: \$28.00  
 INSTRUMENT # 2010011659



INSTRUMENT # 2010011659

Prepared by: E. Burke Haywood, Special Deputy Attorney General, North Carolina Department of Transportation, Attorney General's Office, 1505 Mail Service Center, Raleigh, N.C. 27699-1505

Return to: NCDOT, Attn: Denise Amato, 1 South Wilmington St., Raleigh, N.C. 27601-1453

The hereinafter described property does not include the primary residence of the DEPARTMENT.

NORTH CAROLINA

### QUITCLAIM DEED

MOORE COUNTY

THIS QUITCLAIM DEED made this the 17th day of June, 2010,  
 by and between the Department of Transportation, an agency of the State of North Carolina, 1546  
 Mail Service Center, Raleigh, NC 27611 (hereinafter "DEPARTMENT") and SANDHILLS  
 COMMUNITY COLLEGE, 3395 Airport Road, Pinehurst, NC 27260 (hereinafter "GRANTEE");

### WITNESSETH:

WHEREAS, GRANTEE has requested that the DEPARTMENT convey to it a 11.927-acre  
 area which the DEPARTMENT deems surplus; and

WHEREAS by that resolution adopted June 3, 2010, the Board of Transportation, acting

*EX-2*

upon request of GRANTEE, approved the conveyance of the property more particularly described below and authorized the DEPARTMENT to execute and deliver this instrument to the GRANTEE;

NOW, THEREFORE, the DEPARTMENT for and in consideration of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant unto GRANTEE, its successors and assigns, all of its right, title, claim or interest in and to that parcel of land lying and being in Moore County, North Carolina, and being described as follows:

Beginning at a P.K. nail (P.O.B.) at a point where the centerline of NC Highway 705 (Old Plank Road) intersects with the centerline of SR 1427 West Side Rd. and running thence the following courses and distances: With the center of SR 1427 West Side Rd. S07°36'03"E a distance of 536.49 feet to a P.K. nail in the center of SR 1427 West Side Rd.; thence S39°35'32"W, a distance of 620.71 feet to an iron pin; thence S82°35'09"W a distance of 411.14 feet to an iron pin; thence N07°24'28"W a distance of 383.99 feet to an iron pin; thence N82°35'32"E a distance of 326.98 feet to an iron pin; thence N09°35'32"E a distance of 263.55 feet to an iron pin; thence N25°55'18"E a distance of 215.05 feet to an iron pin; thence N09°35'32"E a distance of 429.25 feet to a P.K. nail in the center of NC Highway 705; thence S46°23'48"E a distance of 432.67 feet to the point and place of beginning.

This description has been drawn from survey entitled: "North Carolina Department of Transportation Division of Highways", prepared by Lex A. Kelly RLS dated June 29, 1995, and recorded in Plat Cabinet 5 Slide 943 of the Moore County Registry.

The above-described property was acquired by the DEPARTMENT by instrument recorded in Book 1104, Page 543, Moore County Registry.

This conveyance is made subject to any underground or aboveground utilities in existence at the time of this conveyance to the GRANTEE, and is subject to any recorded and/or unrecorded easements known and visible within the boundaries of the property conveyed hereby. In the event the GRANTEE should desire the utilities to be relocated or removed, the costs of such relocation



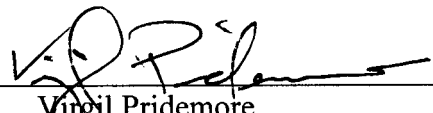
Page 3 of 4

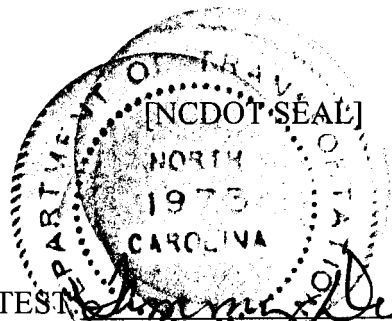

removal shall be borne by the GRANTEE.

TO HAVE AND TO HOLD the above-described lands and premises together with all privileges and appurtenances thereunto belonging to the said GRANTEE, its successors and assigns, free and discharged from all right, title, claim or interest of the DEPARTMENT, and the DEPARTMENT makes no warranty, expressed or implied, as to title to the property hereinabove described.

IN WITNESS WHEREOF, the Department of Transportation has hereunto sets its hand and seal on the day and year first above written.

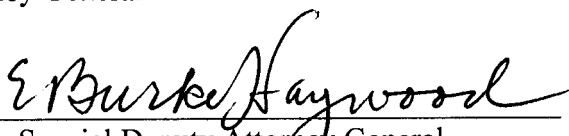
STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

By:   
Virgil Pridemore  
Manager of Right of Way

  
ATTEST   
SECRETARY TO THE BOARD OF  
TRANSPORTATION AND CUSTODIAN  
OF THE SEAL OF THE DEPARTMENT  
OF TRANSPORTATION

Approved as to form:

ROY COOPER  
Attorney General

By:   
Special Deputy Attorney General

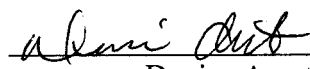
Page 4 of 4

NORTH CAROLINA

WAKE COUNTY

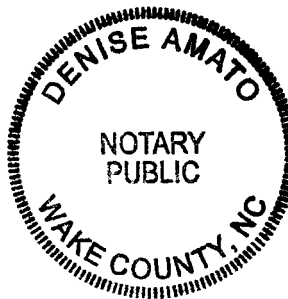
This the 17th day of June, 2010, personally appeared before me, Denise Amato, a Notary Public of said County and State, Tammy Denning, who being by me duly sworn, says that she knows the Seal of the Department of Transportation and is acquainted with Virgil Pridemore, who is Manager of Right of Way of the Division of Highways of said Department, and that she, Tammy Denning, is the Secretary to the Board of Transportation and Custodian of the Seal of the Department of Transportation, and saw said Manager of Right of Way sign the foregoing instrument, and that she, the said Secretary to the Board of Transportation and Custodian of the Seal of the Department of Transportation, affixed said seal to said instrument and signed her name in attestation of the execution thereof in the presence of said Manager of Right of Way.

WITNESS my hand and Notarial Seal, the 17th day of June, 2010.

  
Denise Amato  
NOTARY PUBLIC

My Commission Expires: October 28, 2014

(Doc. #149409)



**MEMORANDUM TO THE PLANNING BOARD**

**FROM:** Debra Ensminger  
Planning & Transportation Director

**DATE:** May 26, 2020

**SUBJECT:** Conditional Rezoning Request: Rural Agricultural (RA) to Rural Agricultural Conditional Zoning (RA-CZ) – Warehousing

**PRESENTER:** Dervin Spell

**REQUEST**

Marlene Hernandez is requesting a Conditional Rezoning from Rural Agricultural (RA) to Rural Agricultural Conditional Zoning (RA-CZ) for a warehouse, located on a portion of ParID 00009916, the total being approximately 4.15 acres out of approximately 23.06 acres, located at 126 Mills Place, Biscoe, adjacent to Tarry Church Road S, owned by Bentura Cervantes Rubio, per Deed Book 4464 Page 20.

Public notification consisted of publishing a legal notice in the local newspaper for two consecutive weeks, notification by mail to adjacent property owners, and placing public hearing signs on the property.

**BACKGROUND**

The portion of the property to be rezoned is undeveloped. Adjacent land uses include single family homes and agriculture.

**COMMUNITY MEETING**

The community meeting was conducted at the Moore County Agricultural Center on June 18, 2020 between 5:30pm and 6:30pm. Adjacent properties were notified by certified return receipt mail, sent on June 5, 2020. Please refer to attached report for more details.

**CONDITIONAL ZONING (CZ)**

Conditional rezoning affords a degree of certainty in land use decisions not possible when rezoning to a general district. Conditional Zoning Districts are established to provide for flexibility in the development of property while ensuring that the development is compatible with neighboring uses. Pursuant to NCGS 153A-342, conditional zoning districts requires the approval of a rezoning by the Moore County Board of Commissioners and approval of a site specific development plan allowing for the development of specific land uses.

Parallel conditional zoning districts are restricted to those uses (meaning either one or multiple uses) listed in the corresponding general use zoning district.



The request shall be in compliance with all relevant portions of the UDO, except that variations from these standards may be approved by the Board of Commissioners if the site plan is submitted and determined to be suitable for the request, is consistent with the intent of the standards, and ensures compatibility with land uses on surrounding properties.

Specific additional conditions applicable to the rezoning request may be proposed by the applicant, the Planning Board, or Board of Commissioners. Only those conditions mutually approved by the county and the applicant may be incorporated into the permit requirements. If a proposed condition is unacceptable to the owner, the petition can be withdrawn and the proposed rezoning cannot go forward. Likewise, if a condition is unacceptable to the Board of Commissioners, the petition can be denied and there is no rezoning.

Per NCGS 153A-342(B), conditions and site-specific standards shall be limited to those that address the conformance of development and use of the site to County ordinances and officially adopted plans and those that address the impacts reasonably expected to be generated by the development or use of the site.

#### **ZONING DISTRICT COMPATIBILITY**

Adjacent properties are zoned Rural Agricultural (RA). The requested rezoning to Rural Agricultural Conditional Zoning (RA-CZ) for a warehouse is consistent with the Rural Agricultural (RA) zoning district.

The Unified Development Ordinance states the intent of the Rural Agricultural (RA) District is intended to encourage the continuance of agricultural uses as well as to ensure that residential development of appropriate intensities that area consonant with the suitability of land, availability of public services, and that are compatible with surrounding development, will occur at appropriate densities to provide a healthful environment.

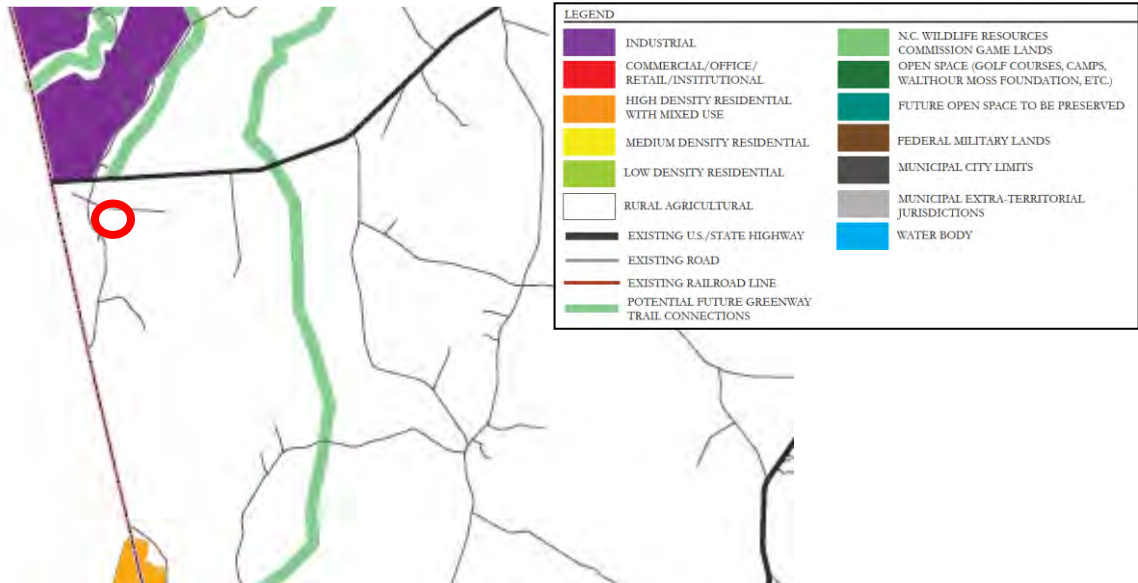
The RA District is also intended to accommodate rural commercial activities where the use of site specific development plans, individualized development conditions, vegetative buffers, larger lots, and the compatibility of adjacent land uses are considered to provide suitable locations for rural commerce and other rural activities.

#### **CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN**

The site has a Rural Agricultural Land Use Classification. The requested zoning to Rural Agricultural Conditional Zoning (RA-CZ) for a warehouse is compatible with the Rural Agricultural Land Use Classification. The Land Use Plan states the primary use of the Rural Agricultural Land Use Classification is to support rural residential life associated with agricultural uses and other rural activities. The requested rezoning to Rural Agricultural Conditional Zoning District (RA-CZ) for a warehouse is consistent with rural activities.

The rezoning request is also consistent with several goals as included in the attached Land Use Plan Consistency Statement, including: Recommendation 1.7: Support and promote local businesses and Action 1.8.5: Support and promote infill development that will optimize the use of existing infrastructure.

## MOORE COUNTY COMPARISON LAND USE MAP



### RECOMMENDATION

Staff recommends the Moore County Planning Board make two separate motions:

**Motion #1:** Make a motion to adopt the attached **Approval** or **Denial** Moore County Planning Board Land Use Plan Consistency Statement and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341.

**Motion #2:** Make a motion to recommend **Approval** or **Denial** to the Moore County Board of Commissioners of the Conditional Rezoning from Rural Agricultural (RA) to Rural Agricultural Conditional Zoning (RA-CZ) for a warehouse, located on a portion of ParID 00009916, the total being approximately 4.15 acres out of approximately 23.01 acres, located at 126 Mills Place, Biscoe, adjacent to Tarry Church Road S.

### ATTACHMENTS

- Pictures of Property and Adjacent Properties
- Vicinity Map
- Land Use Map
- Rezoning Map
- Submitted Rezoning Application
- Submitted Site Specific Development Plan
- Proposed Minor Subdivision
- Planning Board Consistency Statement – Approval
- Planning Board Consistency Statement – Denial
- Community Meeting Report
- Deed Book 4464 Page 20

**View of subject property**



**View of remainder property**





**View of property on other side of Mills Place**



**Southbound view of Tarry Church Road**



**Northbound view of Tarry Church Road**





Vicinity Map

MONTGOMERY COUNTY

THE TOWN OF  
ROBBINS



# Land Use Map



Single Family Dwelling

Single Family Dwelling

Undeveloped

Undeveloped

Single Family Dwelling

Single Family Dwelling

Barn



# Surrounding Area



Zoning Map

NC 24-27

N



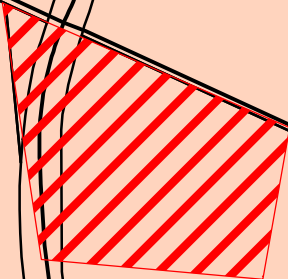
TARRY CHURCH

LONG BRANCH

Shaded area requested  
to be rezoned to RA-CZ

RA

MILLS



# County of Moore Planning and Transportation



Inspections/Permitting: (910) 947-2221  
Planning: (910) 947-5010  
Transportation: (910) 947-3389

## Conditional Rezoning Application

Application Date: 4/7/2020				
Address of Property: 126 MILLS PLACE BISCOE, NC 27209				
Applicant: Mariene Hernandez			Phone: 910) 220-3529	
Applicant Address: 105 W Auman rd		City: Biscoe	St: NC	Zip: 27209
Owner: Mariene Hernandez			Phone: 910) 220-3529	
Owner Address: 105 W Auman rd		City: Biscoe	St: NC	Zip: 27209
Current Zoning District: RA		Proposed Zoning District: RA - CZ		
Current Use(s): nothing		Proposed Use(s): storage / warehouse		
Proposed rules, regulations, condition(s) for the proposed district that address the impacts expected to be generated by the development or use of the site:				
nothing				
Statement of reasonableness of the proposed conditional zoning. The statement shall include, but not be limited to the following:				
1. The conditional rezoning compatibility with the County Land Use Plan and other adopted plans of the County.				
2. The conditional rezoning compatibility with the existing land uses on abutting and neighboring tracts.				
3. The benefits and detriments of the conditional rezoning for the subject property, neighboring properties and the surrounding community.				
1. yes I think it is compatible				
2. Metal building will not be a detriment for surrounding				

I (We), the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests or information as designated by the County of Moore Zoning Administrator.

Meriam Murray  
Applicant/Owner Signature

4/17/2020  
Date

Bentura Corbantes 12

Meriam Murray  
Applicant/Owner Signature

4/17/2020  
Date

Bentura Corbantes 12

Office Use Only:

PAR ID: 00009916

Phyllis M. Thompson  
Received By

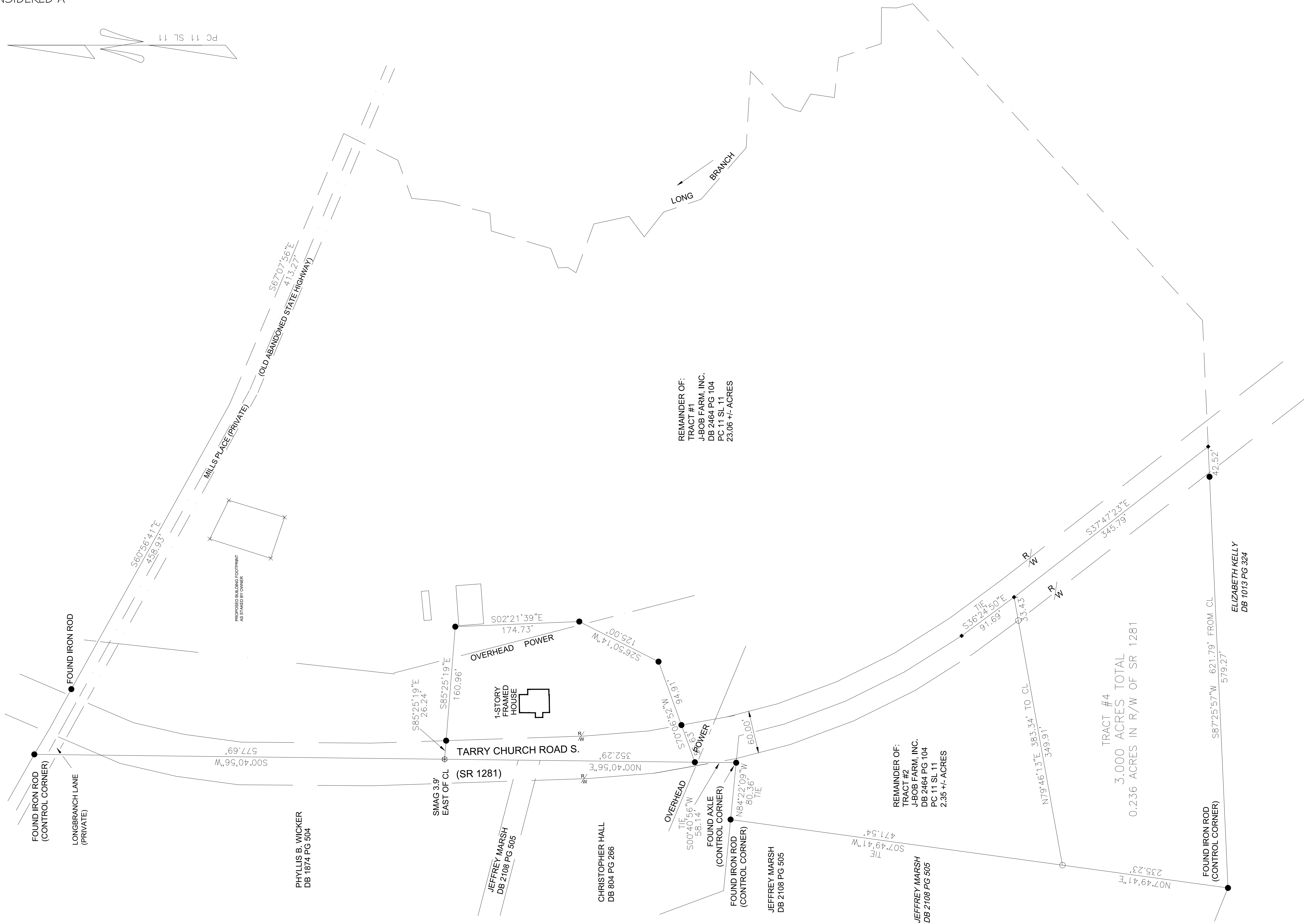
5/18/2020  
Date







NOTES:  
SITE PLAN WAS SKETCHED USING  
MOORE COUNTY GIS DATA. THIS  
SITE PLAN WAS NOT CREATED  
FROM A LAND SURVEY AND  
SHOULD NOT BE CONSIDERED A  
LAND SURVEY.



SEVEN  
LAKES  
ENGINEERING  
SERVICES,  
INC.

2223 Seven Lakes South  
Seven Lakes, NC 27376  
Telephone: 910.673.0978  
Email: cfarwell44@gmail.com



REVISIONS	
DATE/DESCRIPTION	
1/05/2020	

Client:  
MARLENE FLOREZ HERNANDEZ  
126 MILLS PLACE  
BISCOE, NC 27209

PROJECT NO: 20-64-507  
DATE: 2/27/2020  
DRAWN BY: EJA  
SCALE: NTS  
TITLE: SITE PLAN  
Sheet Number:  
1 of 6

SEVEN  
LAKES  
ENGINEERING  
SERVICES,  
INC.

2223 Seven Lakes South  
Seven Lakes, NC 27376  
Telephone: 910.673.0978  
Email: cfarwell44@gmail.com



REVISIONS

DATE/DESCRIPTION
1/05/2020

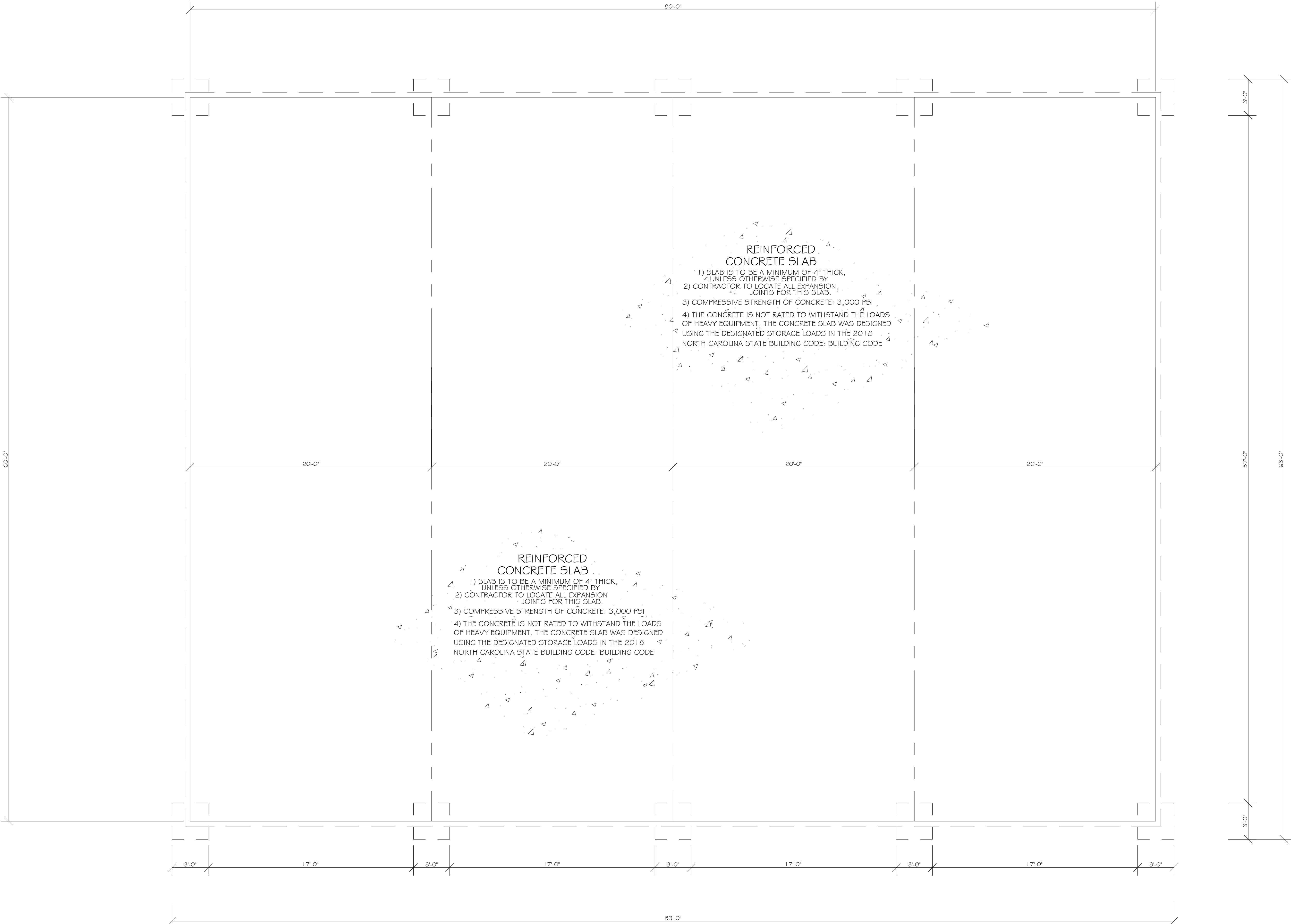
Client:

MARLENE FLOREZ HERNANDEZ  
126 MILLS PLACE  
BISCOE, NC 27209

PROJECT NO:	20-64-507
DATE:	2/27/2020
DRAWN BY:	EJA
SCALE:	1/4" = 1'0"
TITLE:	FOUNDATION PLAN

Sheet Number:

2 of 6

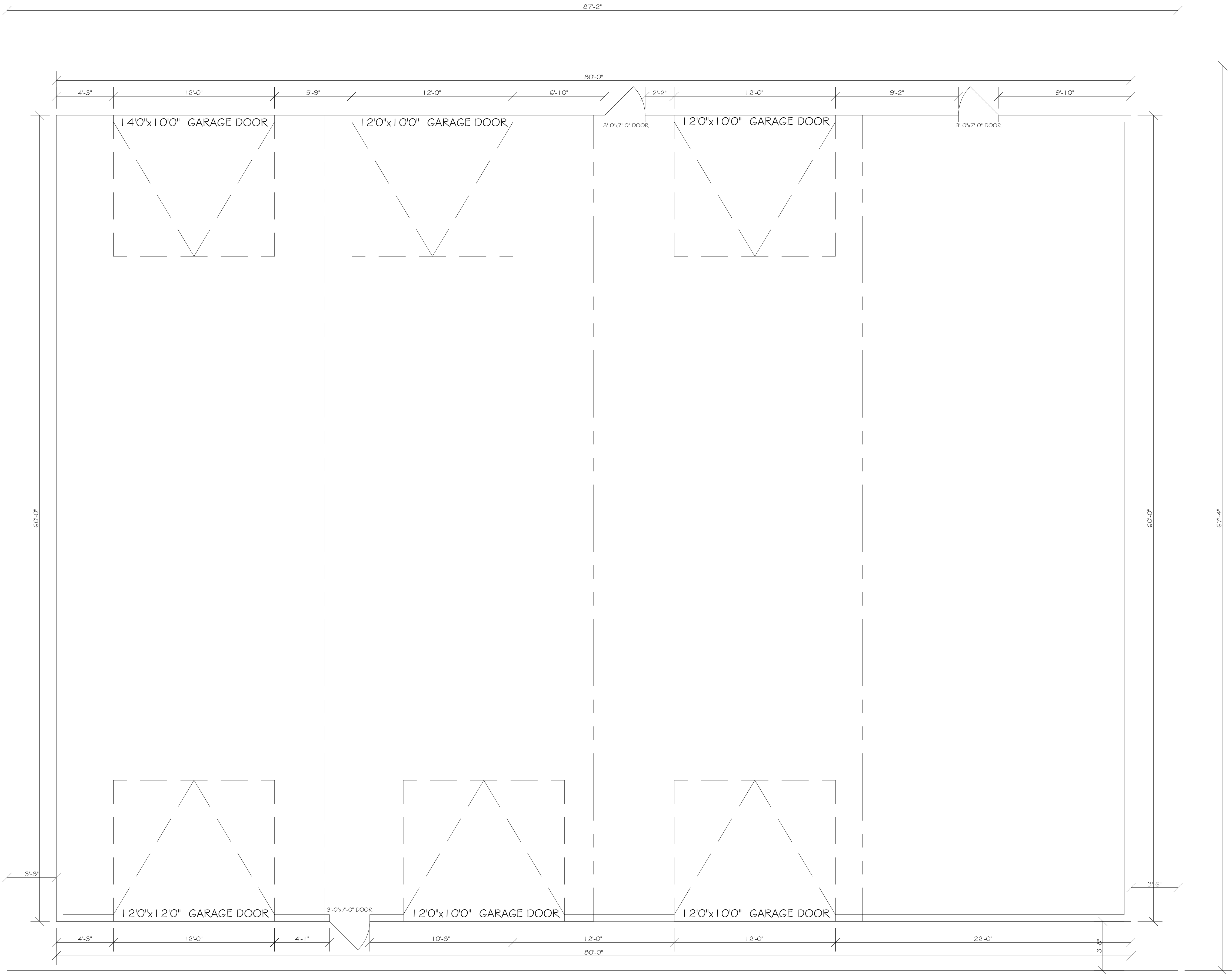


FOUNDATION PLAN

NOTES:

DESIGN BASED OFF OF STEEL  
INDUSTRY STANDARD FOR NEW  
CONSTRUCTION.

SEVEN LAKES ENGINEERING INC.  
LLC.(SLES) IS NOT RESPONSIBLE  
FOR STRUCTURAL MEMBER  
CONDITIONS AND/OR  
CONNECTIONS. THE SUBJECT  
DESIGN IS BASED OFF OF NEW  
BUILDING MATERIALS.



FLOOR PLAN

SEVEN  
LAKES  
ENGINEERING  
SERVICES,  
INC.

2223 Seven Lakes South  
Seven Lakes, NC 27376  
Telephone: 910.673.0978  
Email: cfarwell44@gmail.com



REVISIONS	
DATE/DESCRIPTION	
1/05/2020	

Client:

MARLENE FLOREZ HERNANDEZ  
126 MILLS PLACE  
BISCOE, NC 27209

PROJECT NO:  
20-64-507

DATE:  
2/27/2020

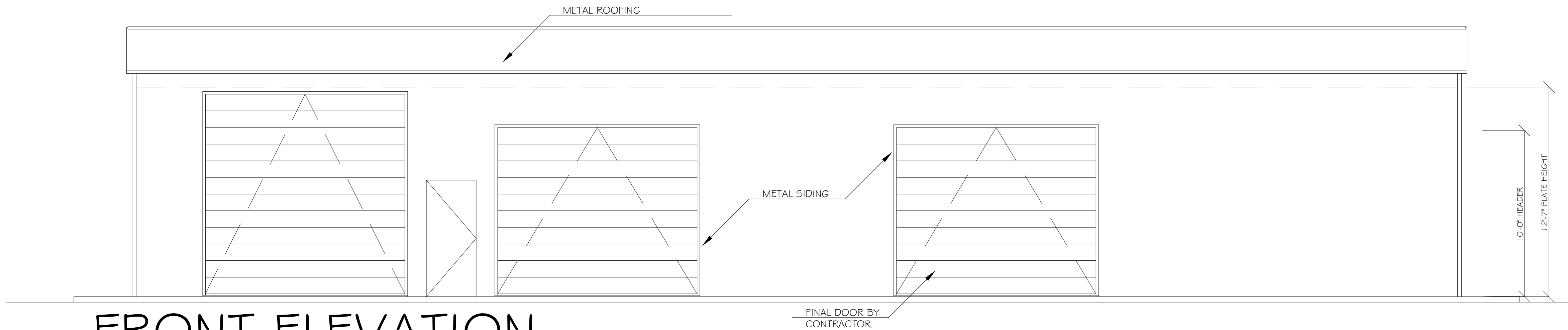
DRAWN BY:  
EJA

SCALE:  
1/4" = 1'0"

TITLE:  
FLOOR PLAN

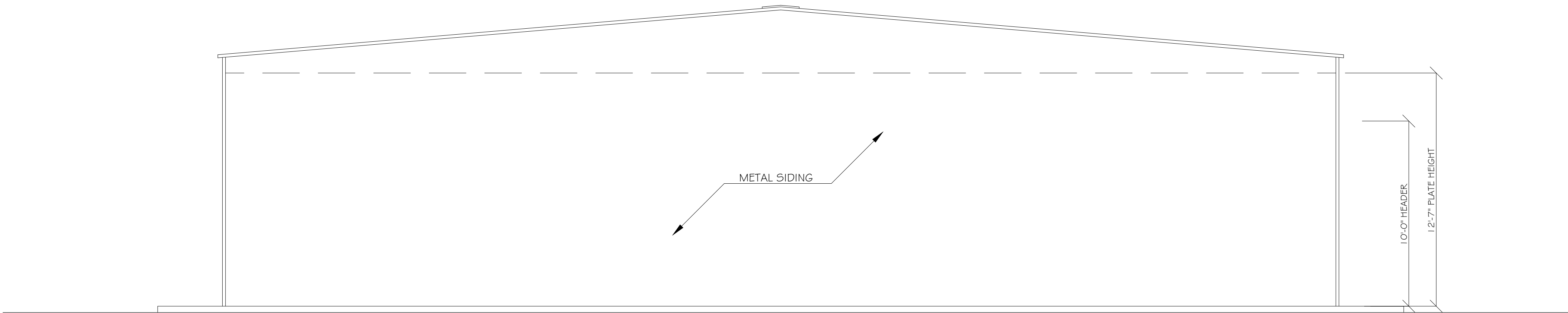
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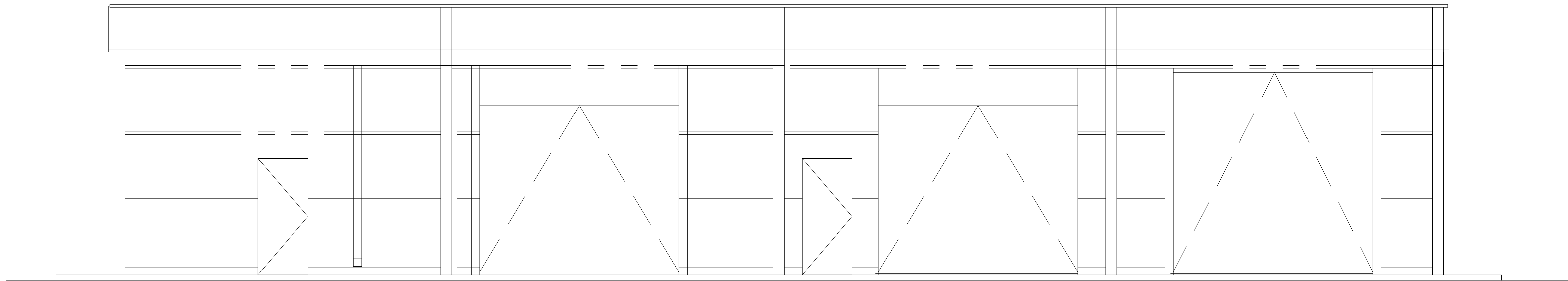


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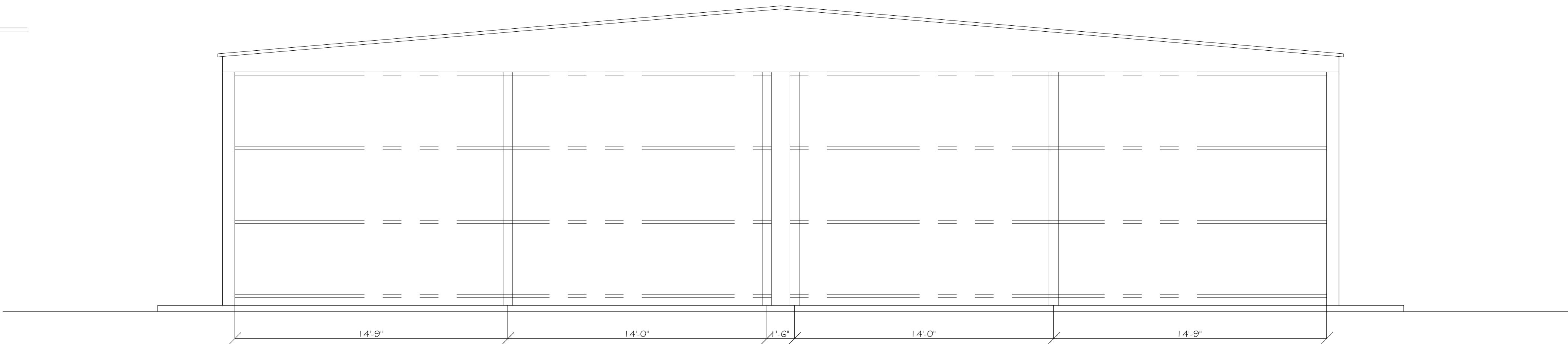
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CONSTRUCTION.  
  
SEVEN LAKES ENGINEERING INC.  
LLC.(SLES) IS NOT RESPONSIBLE  
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SIDE ELEVATIONS ELEVATION



REAR ELEVATION



SIDE ELEVATIONS ELEVATION

SEVEN  
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INC.  
  
2223 Seven Lakes South  
Seven Lakes, NC 27376  
Telephone: 910.673.0978  
Email: cfarwell44@gmail.com



REVISIONS	
DATE/DESCRIPTION	
1/05/2020	

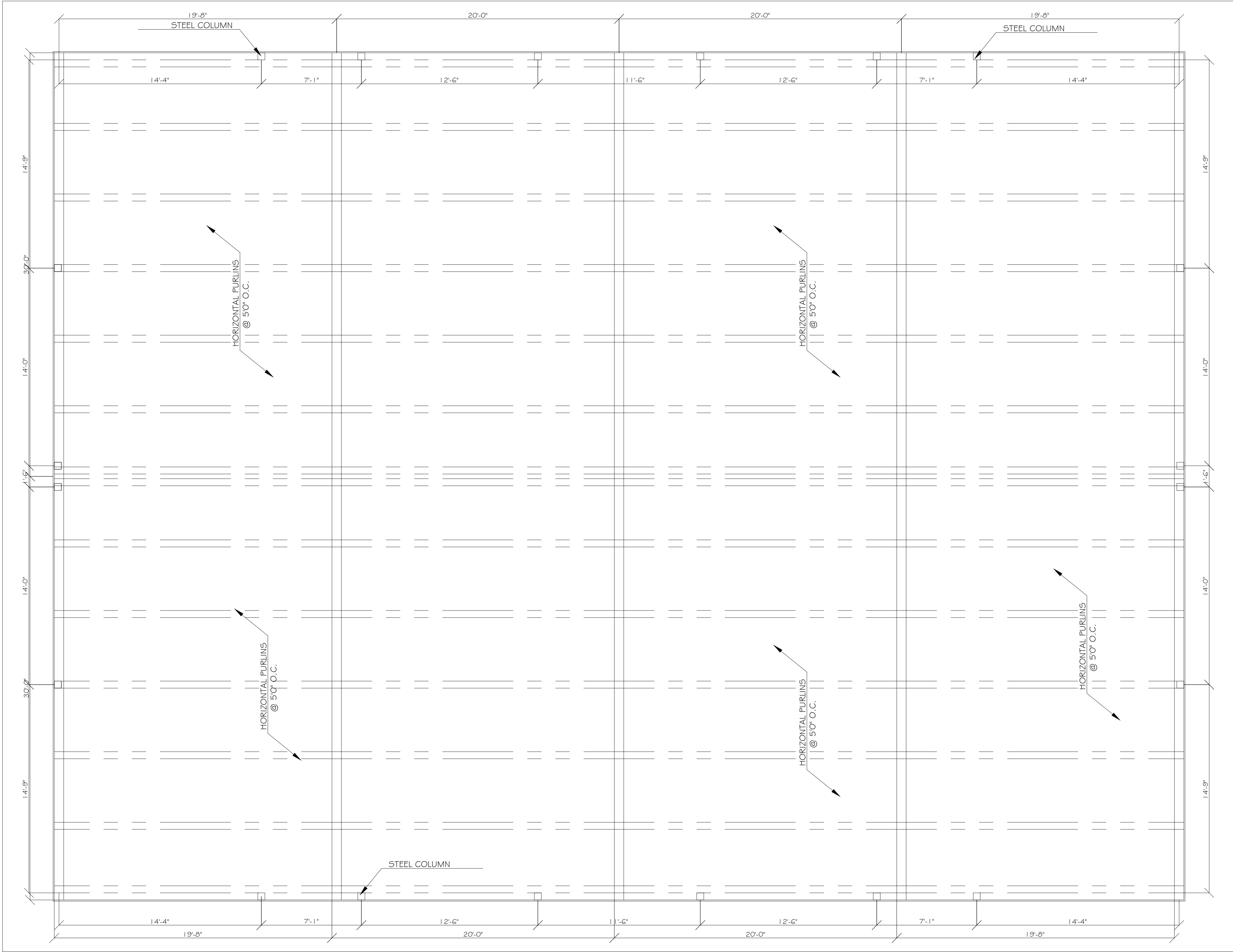
Client: MARLENE FLOREZ HERNANDEZ  
126 MILLS PLACE  
BISCOE, NC 27209

PROJECT NO: 20-64-507  
DATE: 2/27/2020  
DRAWN BY: EJA  
SCALE: 1/4" = 1'0"  
TITLE: ELEVATIONS  
Sheet Number:

NOTES:

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INDUSTRY STANDARD FOR NEW  
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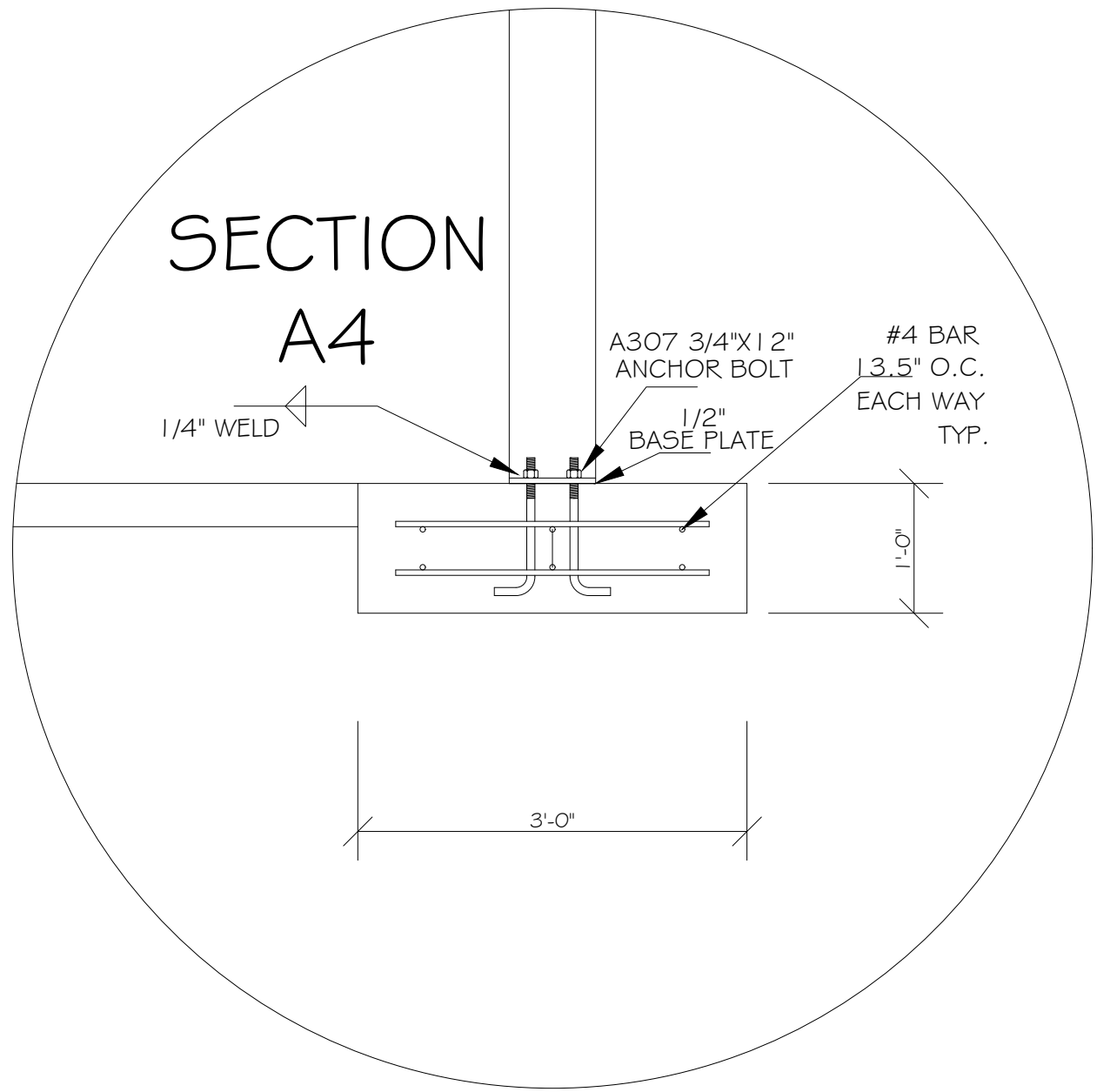
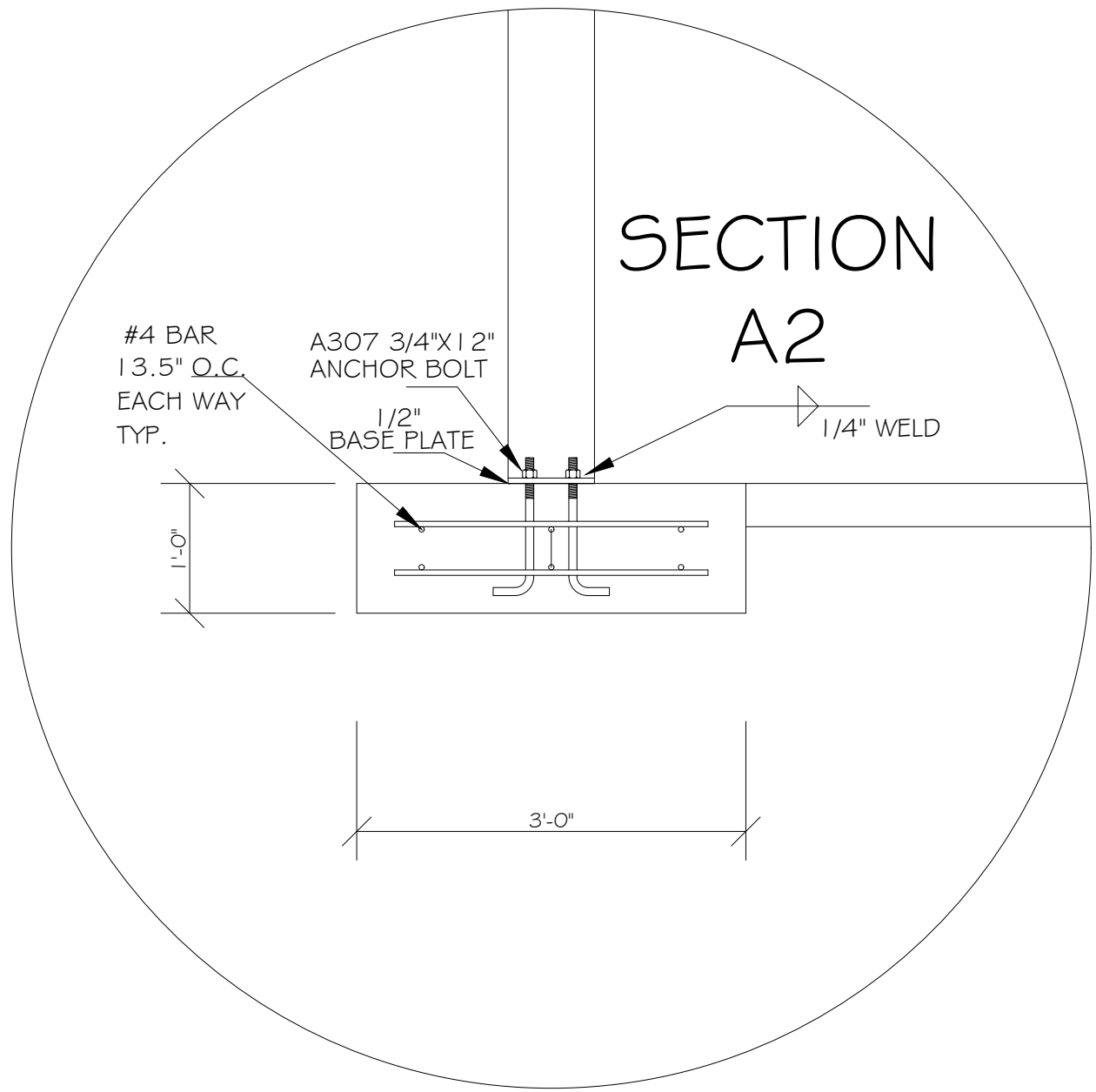
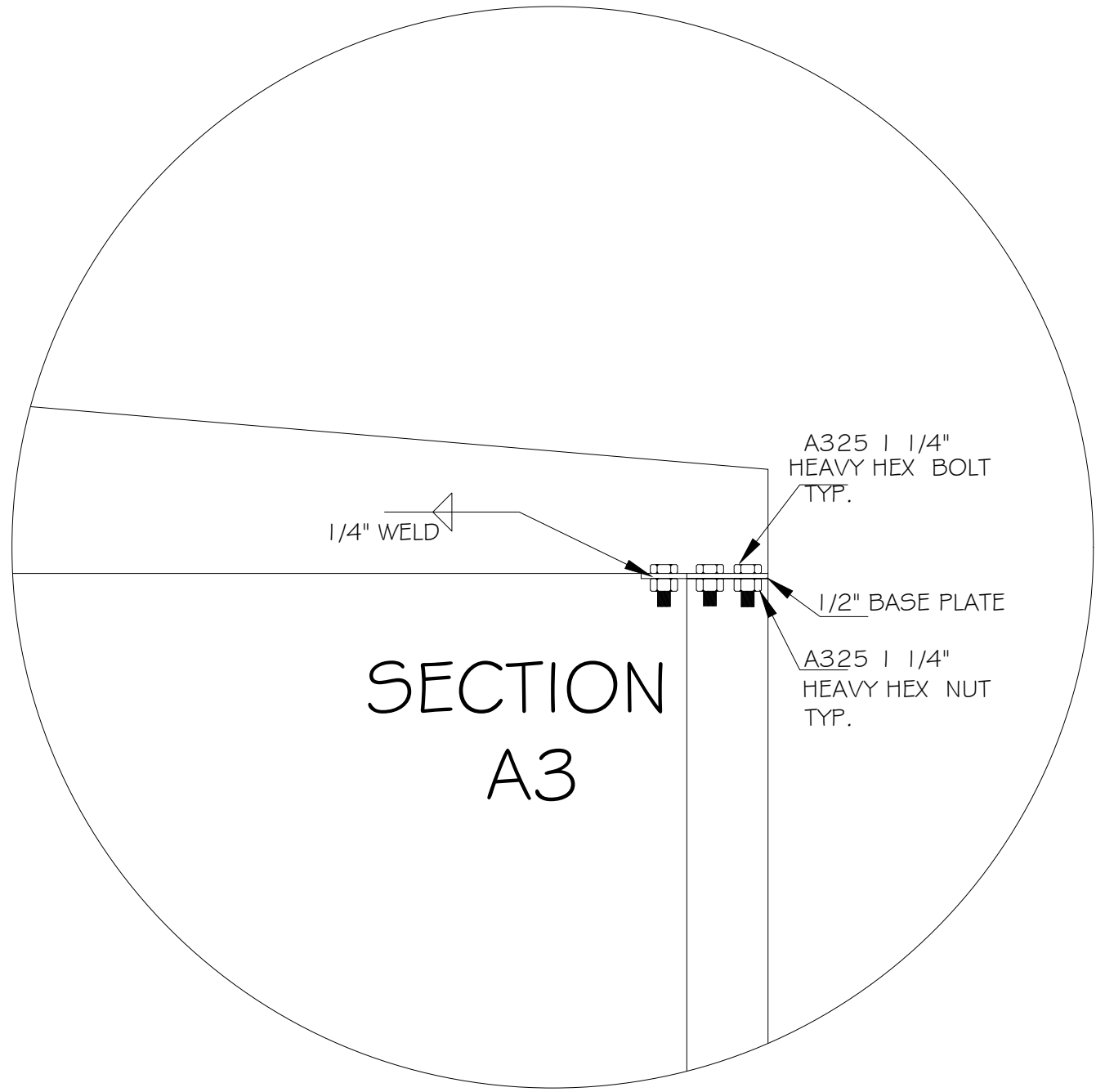
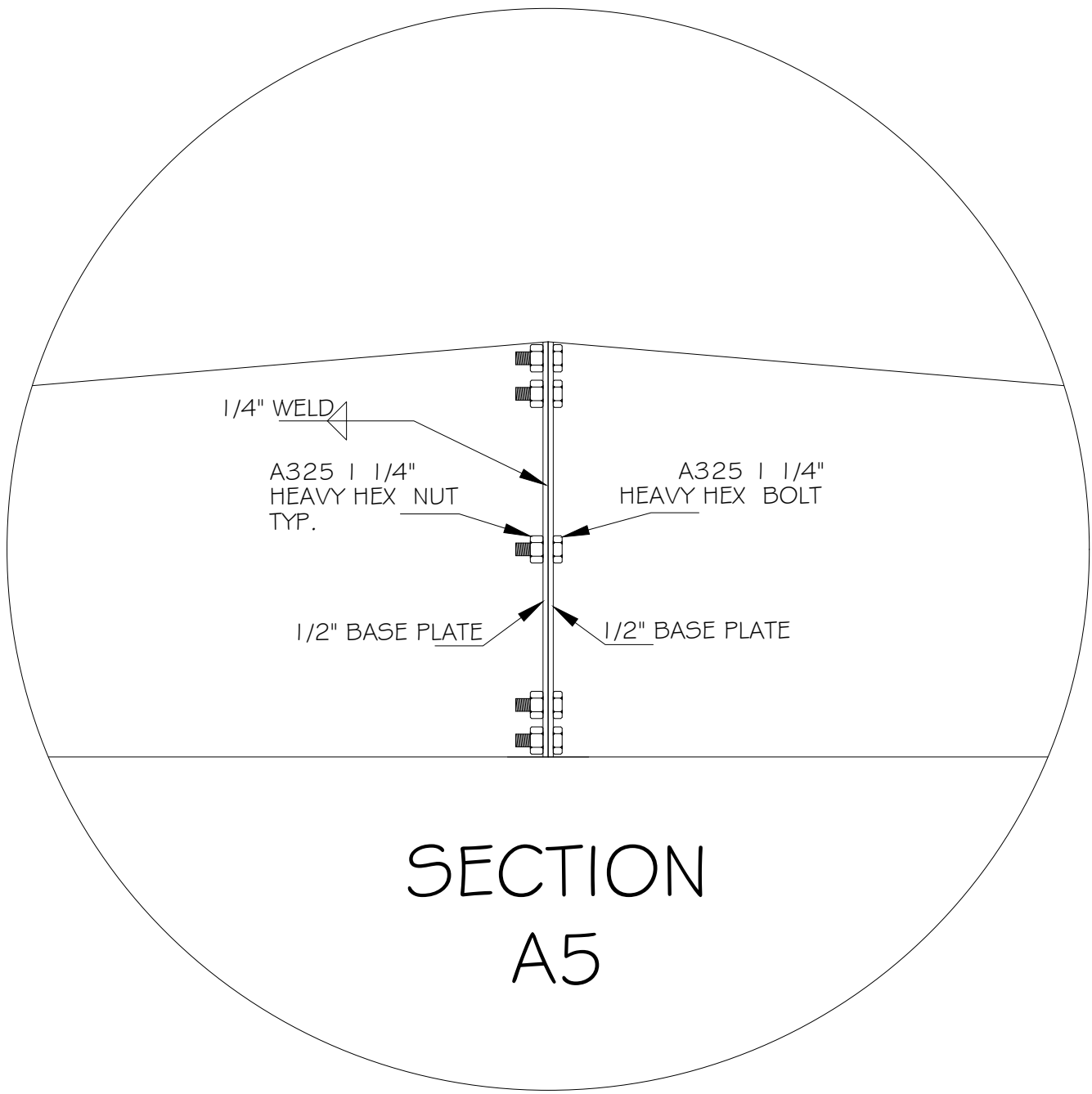
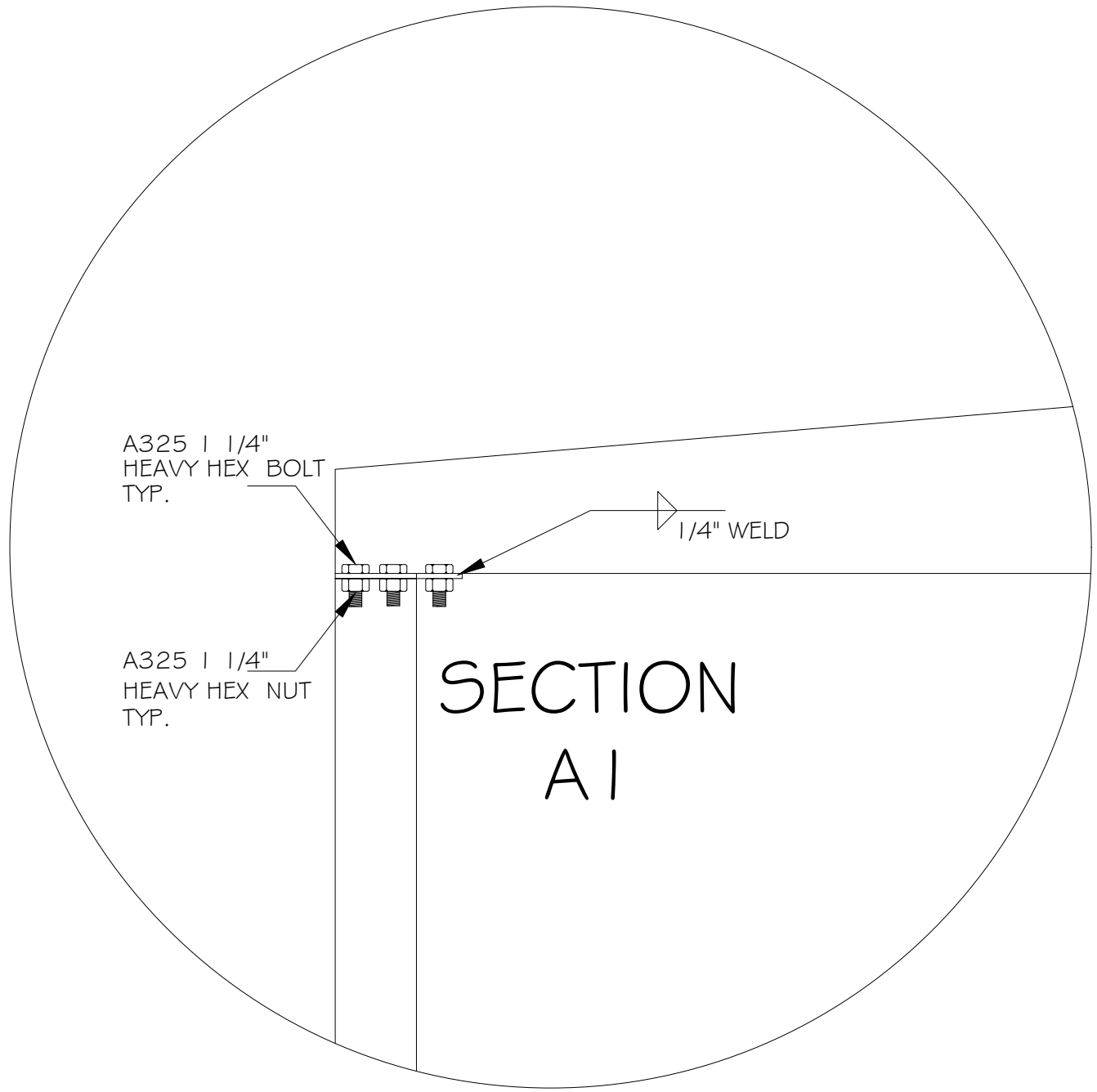
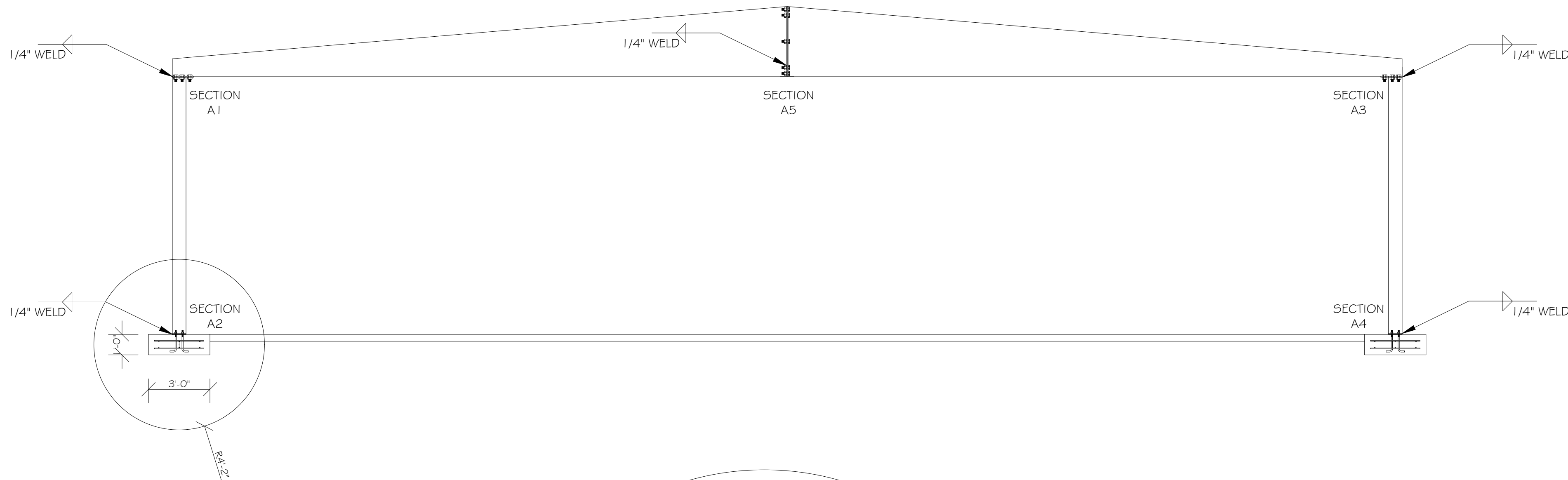
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PROJECT NO: 20-64-507  
DATE: 2/27/2020  
DRAWN BY: EJA  
SCALE: 1/4" = 1'0"  
TITLE: FRAMING PLAN  
Sheet Number:

NOTES:  
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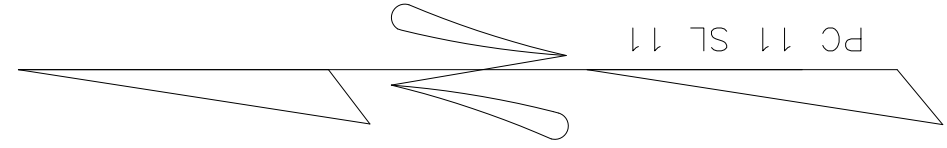
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	DATE/DESCRIPTION
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DRAWN BY: EJA  
SCALE: 1/4" = 1'0"  
TITLE: DETAIL DRAWINGS  
Sheet Number:



NOTES:  
SITE PLAN WAS SKETCHED USING  
MOORE COUNTY GIS DATA. THIS  
SITE PLAN WAS NOT CREATED  
FROM A LAND SURVEY AND  
SHOULD NOT BE CONSIDERED A  
LAND SURVEY.



IMPERVIOUS SURFACE RATIO	
IMPERVIOUS	PERVIOUS
0.18 ACRES	4.15 ACRES
TOTAL(%):	4.33 %

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PROJECT NO: 20-64-507  
DATE: 2/27/2020  
DRAWN BY: EJA  
SCALE: NTS  
TITLE: SITE PLAN  
Sheet Number:

1 of 6



**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**Conditional Rezoning Request**  
**Rural Agricultural (RA) to Rural Agricultural Conditional Zoning**  
**(RA-CZ) – Warehousing**

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Recommendation 1.7: Support and promote local businesses
- Action 1.8.8: Support and promote infill development that will optimize the use of existing infrastructure.

2. The rezoning request is reasonable and in the public interest due to the need of tire sales warehousing facilities in Moore County and not being a negative detriment to the surrounding properties..

Therefore, the Moore County Planning Board recommends **APPROVAL** of the Conditional Rezoning request from Rural Agricultural (RA) to Rural Agricultural Conditional Zoning (RA-CZ) for a warehouse, located on a portion of ParID 00009916, the total being approximately 4.15 acres out of approximately 23.01 acres, located at 126 Mills Place, Biscoe, adjacent to Tarry Church Road S.

---

Joe Garrison, Chair  
Moore County Planning Board

---

Date

**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**Conditional Rezoning Request**  
**Rural Agricultural (RA) to Rural Agricultural Conditional Zoning**  
**(RA-CZ) – Warehousing**

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Recommendation 1.7: Support and promote local businesses
- Action 1.8.8: Support and promote infill development that will optimize the use of existing infrastructure.

2. The proposed rezoning is not reasonable and not in the public interest because the proposed rezoning will have an unreasonable impact on the surrounding community.

Therefore, the Moore County Planning Board recommends **DENIAL** of the Conditional Rezoning request from Rural Agricultural (RA) to Rural Agricultural Conditional Zoning (RA-CZ) for a warehouse, located on a portion of ParID 00009916, the total being approximately 4.15 acres out of approximately 23.01 acres, located at 126 Mills Place, Biscoe, adjacent to Tarry Church Road S.

---

Joe Garrison, Chair  
Moore County Planning Board

---

Date

**COMMUNITY MEETING REPORT**  
**Thursday June 18, 2020 5:30 p.m. – 6:30 p.m.**  
**Proposed Warehouse – 126 Mills Place Biscoe, NC**

**Community Members Present:**

Glenda Garrison, John Garrison

**Applicant's Representative Present:**

Marlene Hernandez, Lorena Hernandez

**Planning Staff Present:**

Debra Ensminger, Dervin Spell, Stephanie Cormack

Marlene Hernandez began the meeting by discussing the proposed warehouse that the applicant is pursuing through the conditional rezoning request. Ms. Hernandez presented the site plan of the proposed facility for the members of the community to review. The community members that were in attendance did not have any objection to the proposed conditional rezoning.

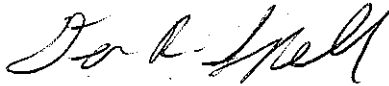
List of those notified of the Community Meeting (certified mailings to adjacent properties):

CHRISTIANA, DOROTHY GAYE	GARRISON, JOHN A & GLENDA P
CHRISTIANA, LARRY STEWART JR	HALL, CHRISTOPH W & HALL, TERESA G
CRUZ, LORENZO GONZALEZ & VICTORINA DOMINGUEZ MARTINEZ	KELLY, DANIEL M & KELLY JAMES M & JOSEPH R
GAMBRELL, JOHN A & TABATHA C	RUBIO, BENTURA CERVANTES
GARCIA, JORGE A & GARCIA, MARIA GUADALUPE GUZMAN	WARNER, JOHN W II & TONIA R
GARCIA, JORGE A & GARCIA, GUADALUPE GUZMAN	HERNANDEZ, MARLENE

**Attachments:**

- Site plans presented at the Community Meeting

Submitted by,



Dervin Spell, AICP, CFM

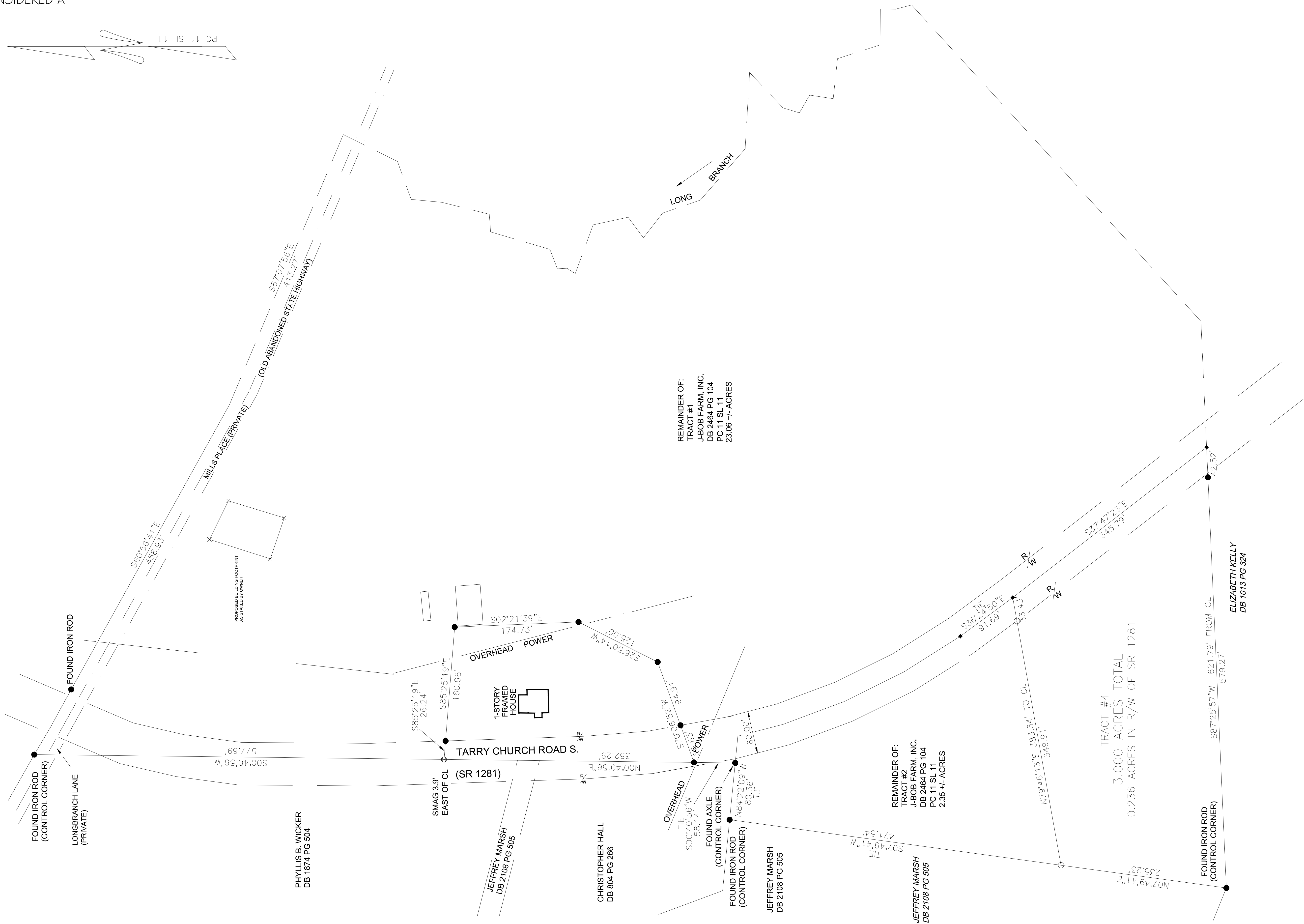
Planner – Moore County Planning and Transportation







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**SEVEN  
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INC.**  
2223 Seven Lakes South  
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Email: cfarwell44@gmail.com



REVISIONS	
DATE/DESCRIPTION	
1/05/2020	

**Client:**  
**MARLENE FLOREZ HERNANDEZ**  
**126 MILLS PLACE**  
**BISCOE, NC 27209**

PROJECT NO: 20-64-507  
DATE: 2/27/2020  
DRAWN BY: EJA  
SCALE: NTS  
TITLE: SITE PLAN  
Sheet Number:

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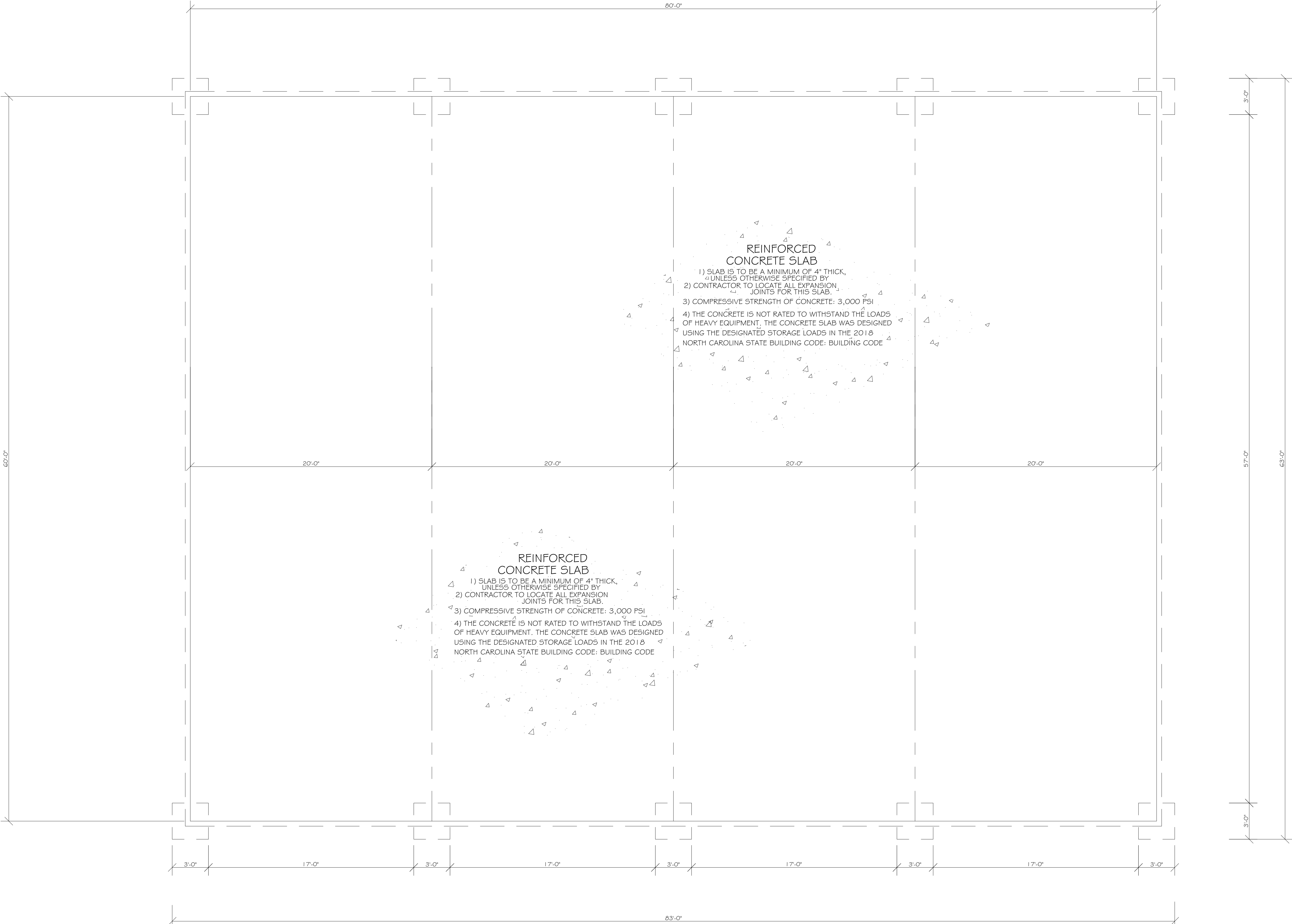
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DRAWN BY: EJA  
SCALE: 1/4" = 1'0"  
TITLE: FOUNDATION PLAN

Sheet Number:

2 of 6



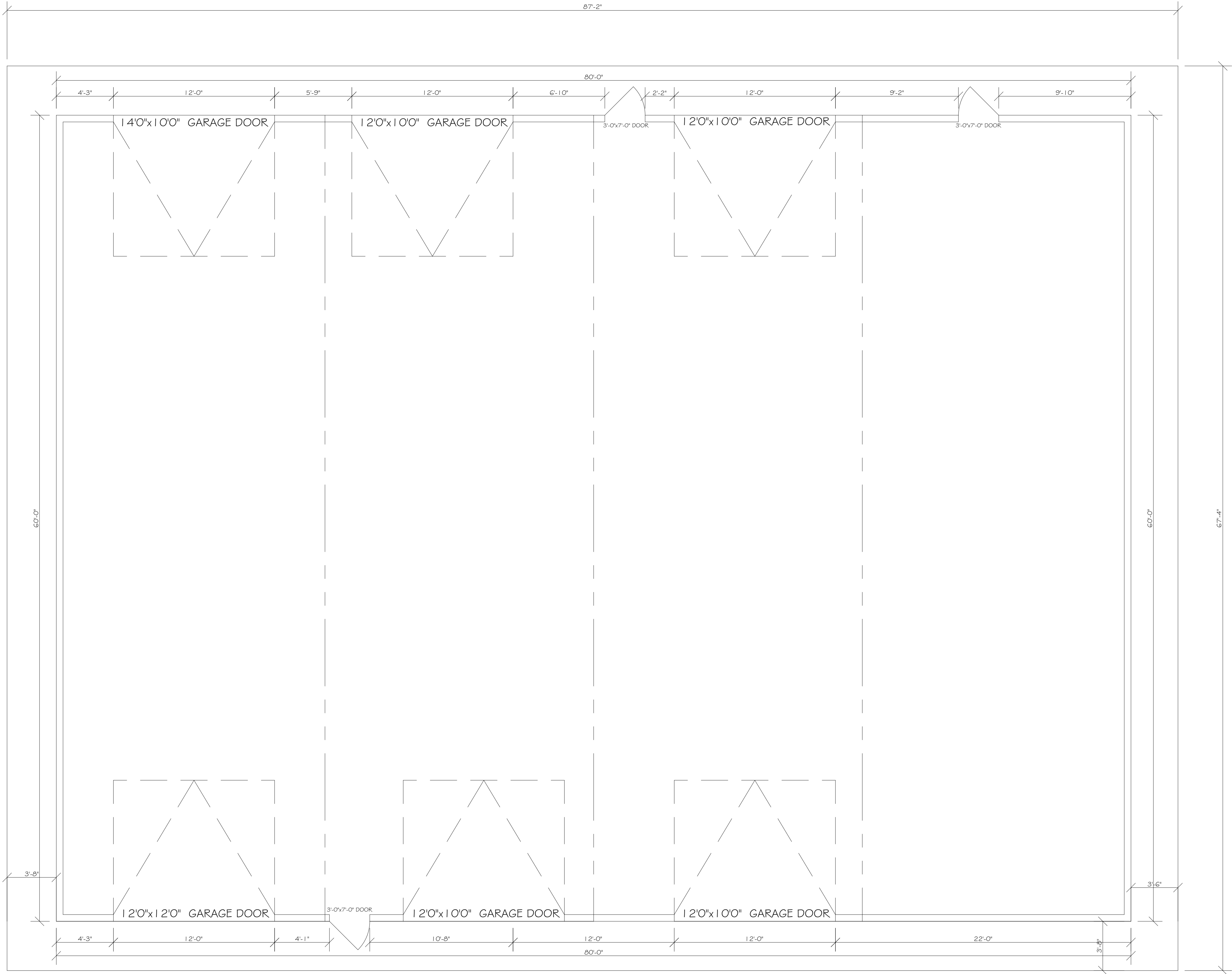
FOUNDATION PLAN



NOTES:

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FLOOR PLAN

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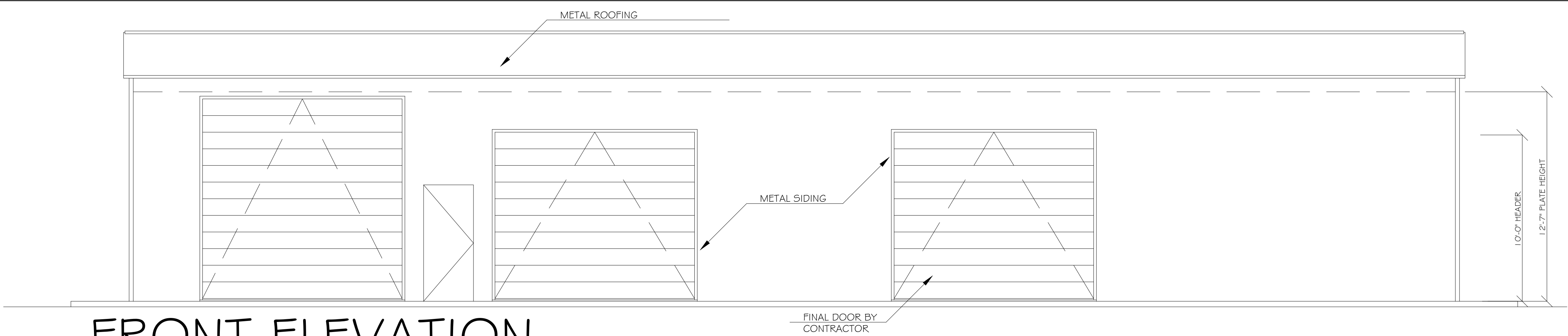


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SCALE: 1/4" = 1'0"  
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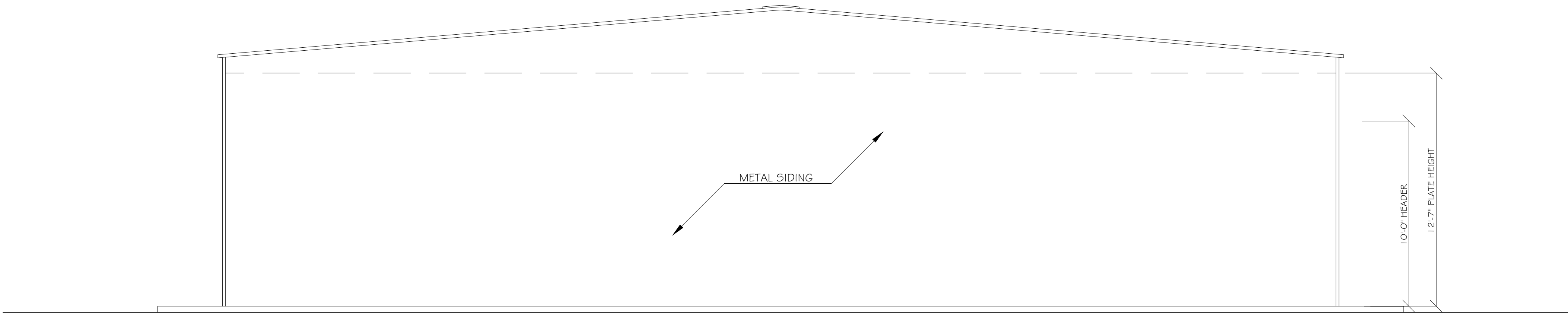


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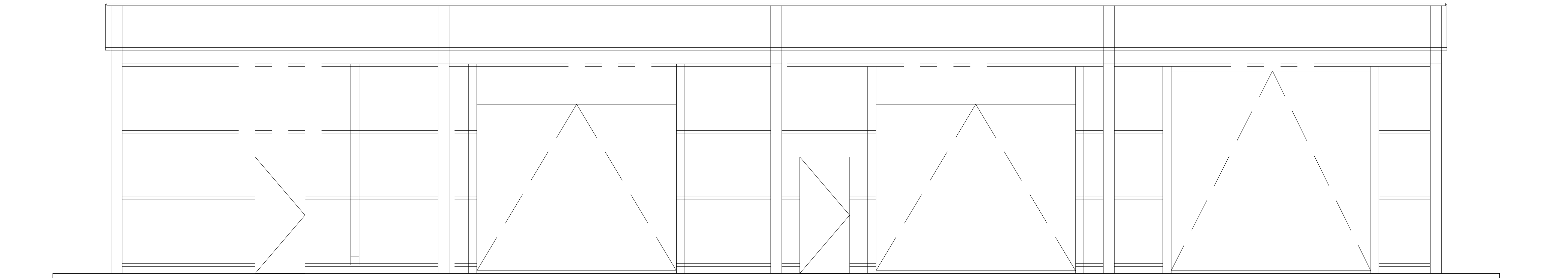
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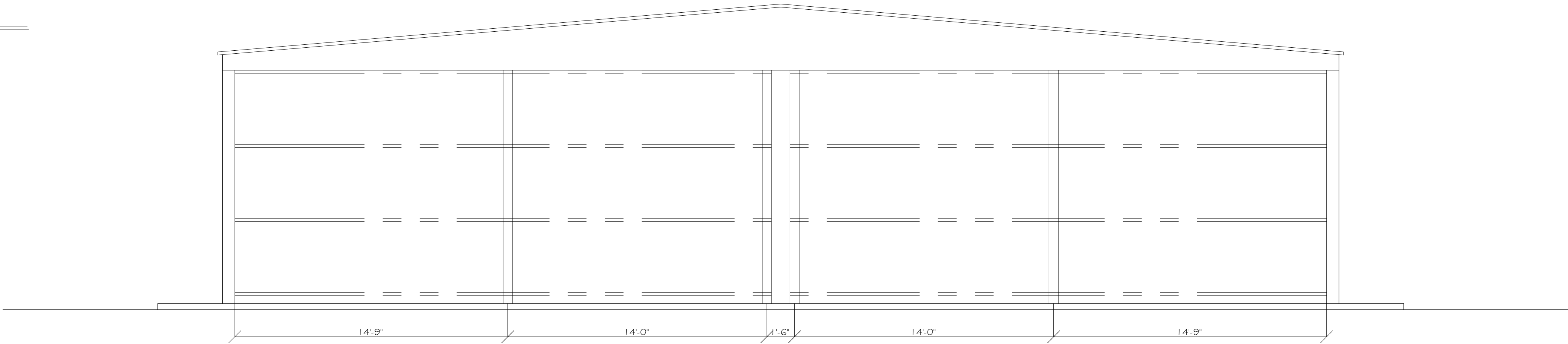
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SIDE ELEVATIONS ELEVATION



REAR ELEVATION



SIDE ELEVATIONS ELEVATION

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SCALE:  
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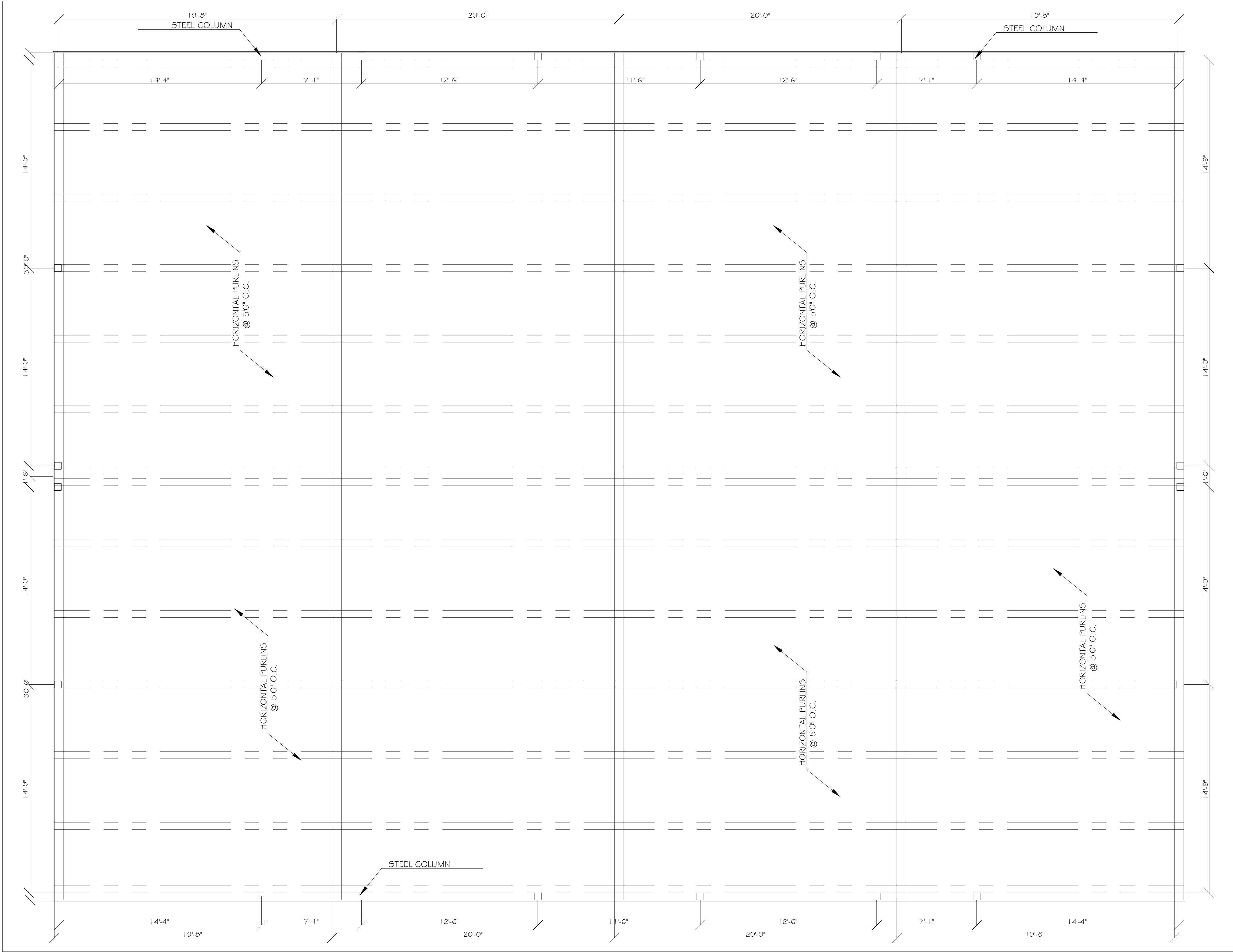
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ELEVATIONS

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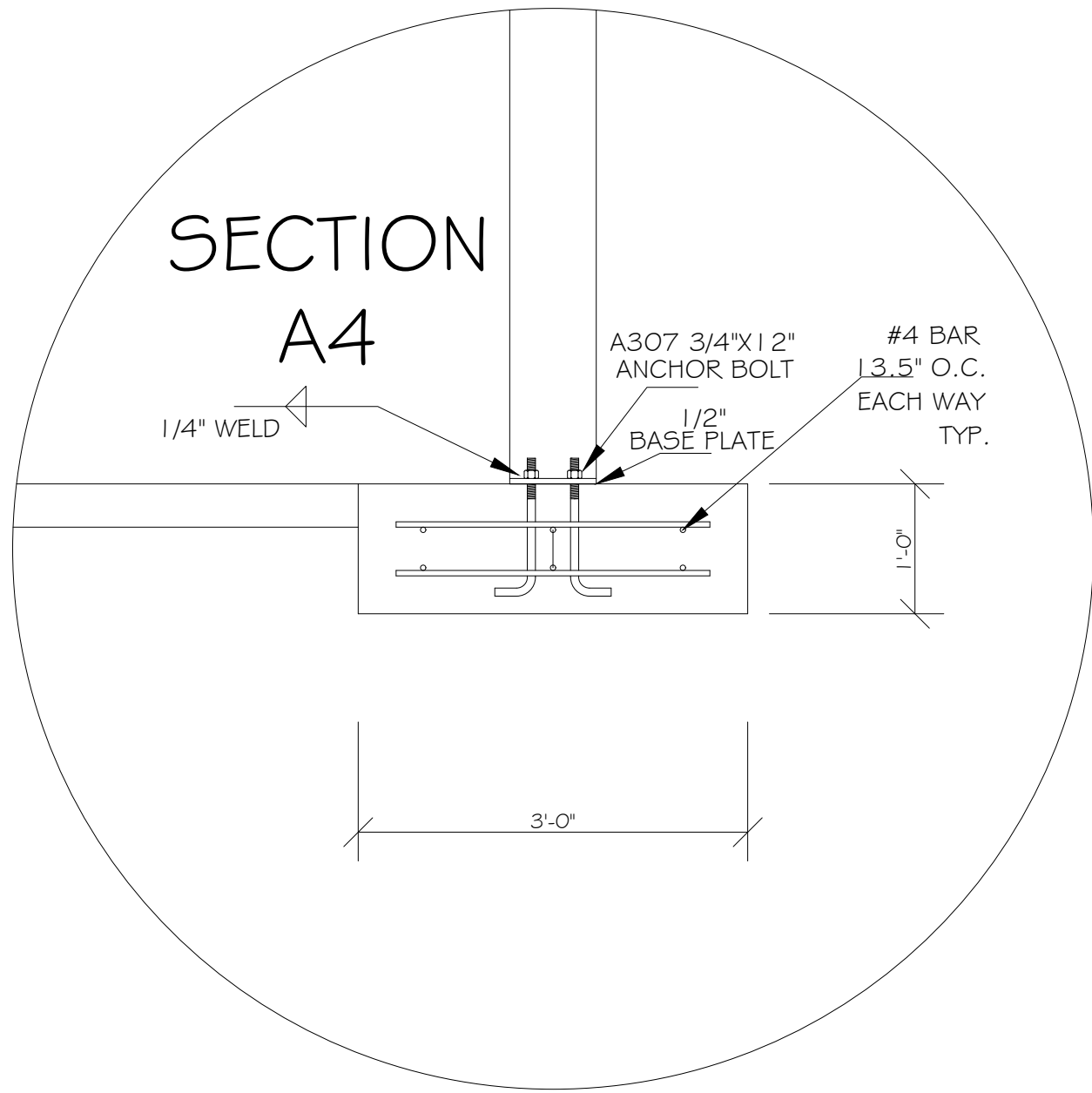
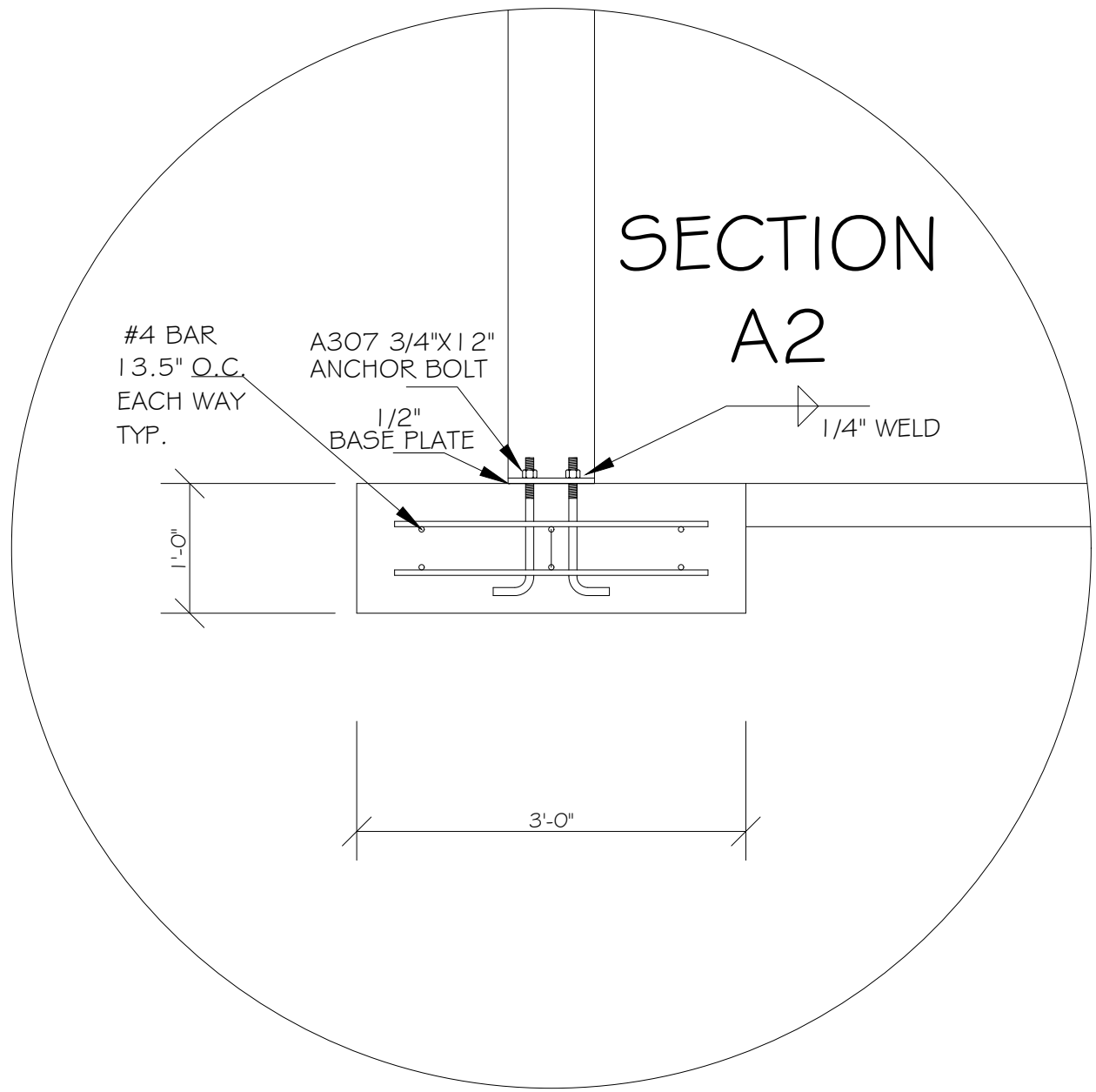
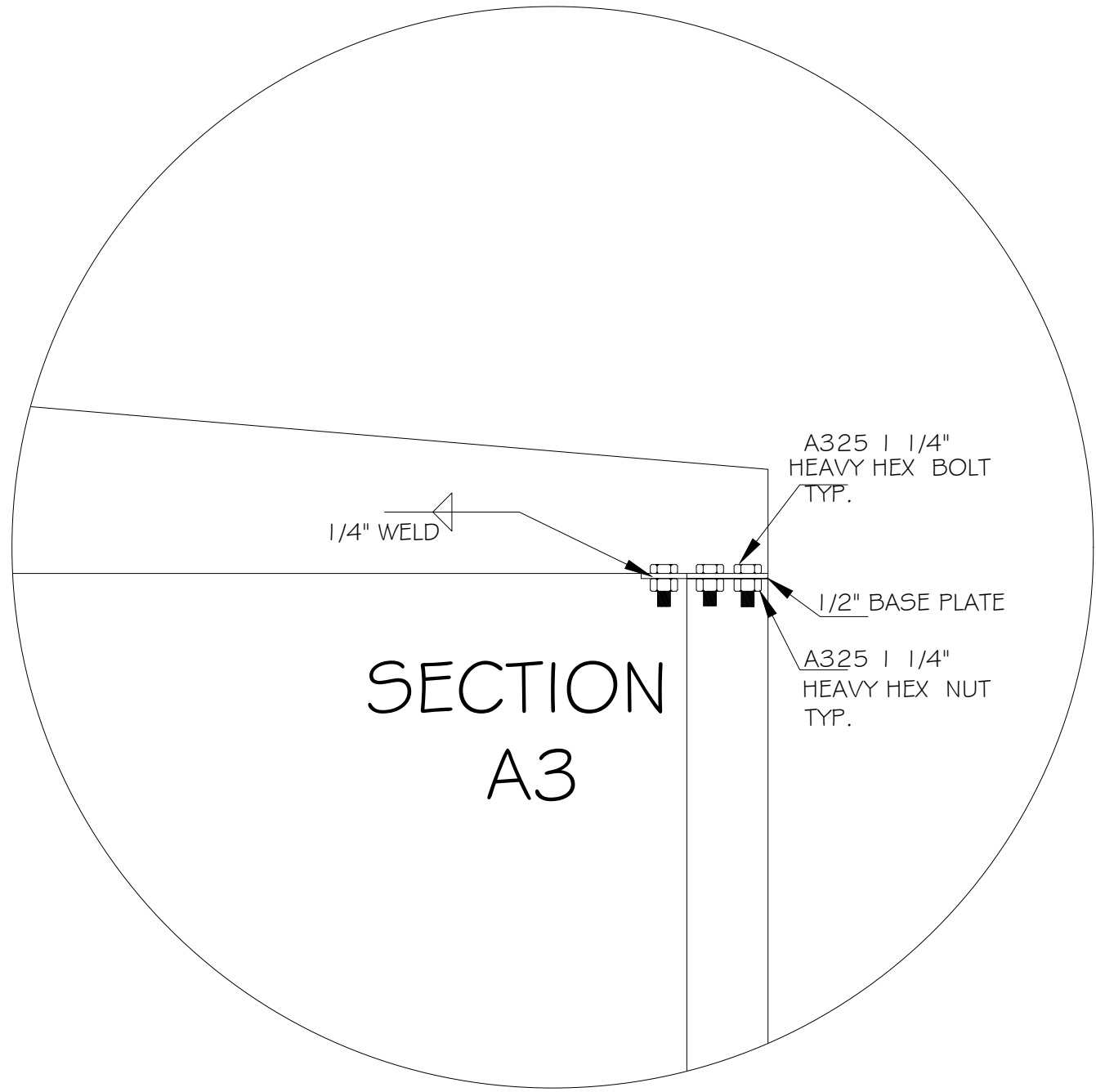
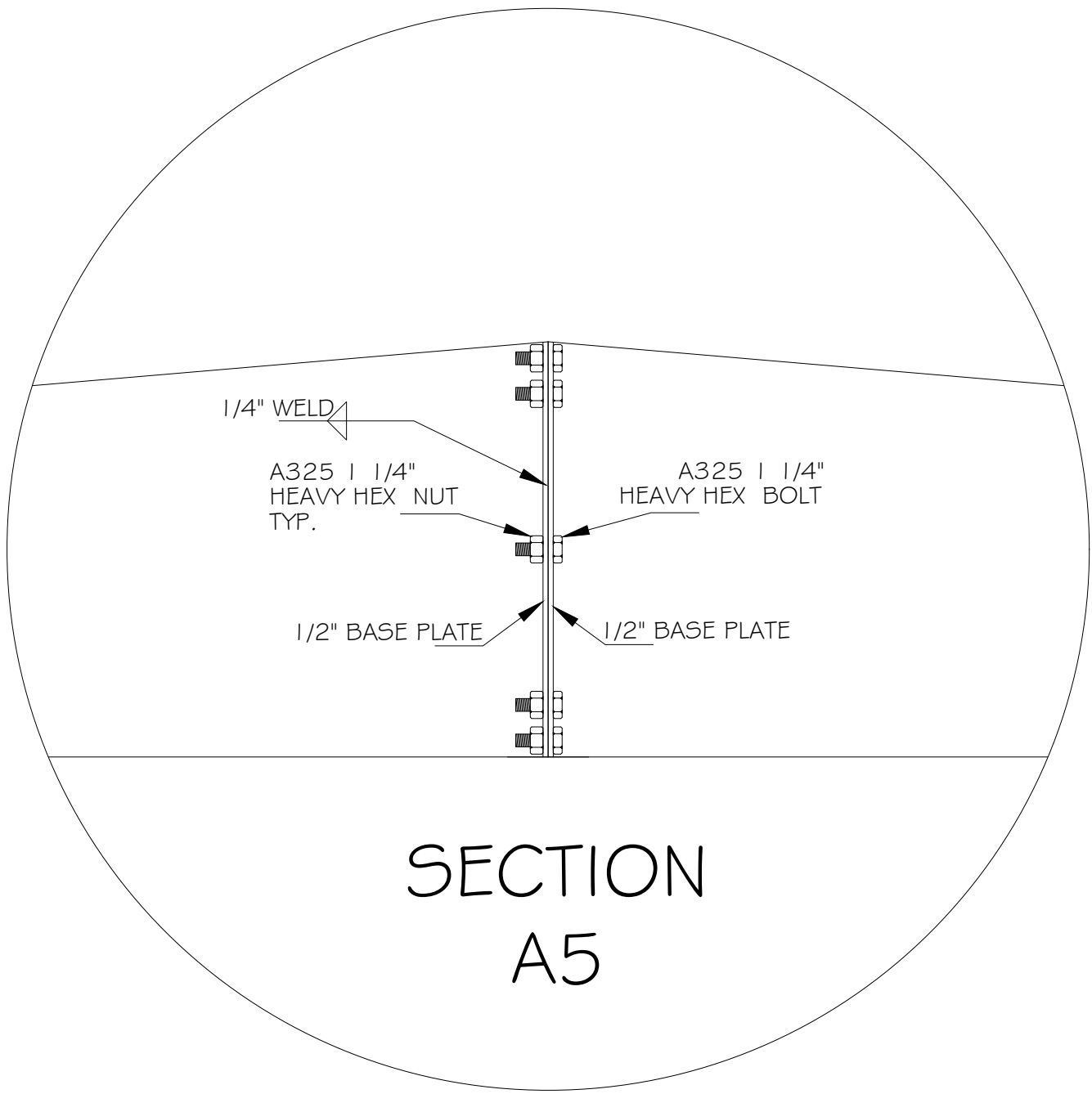
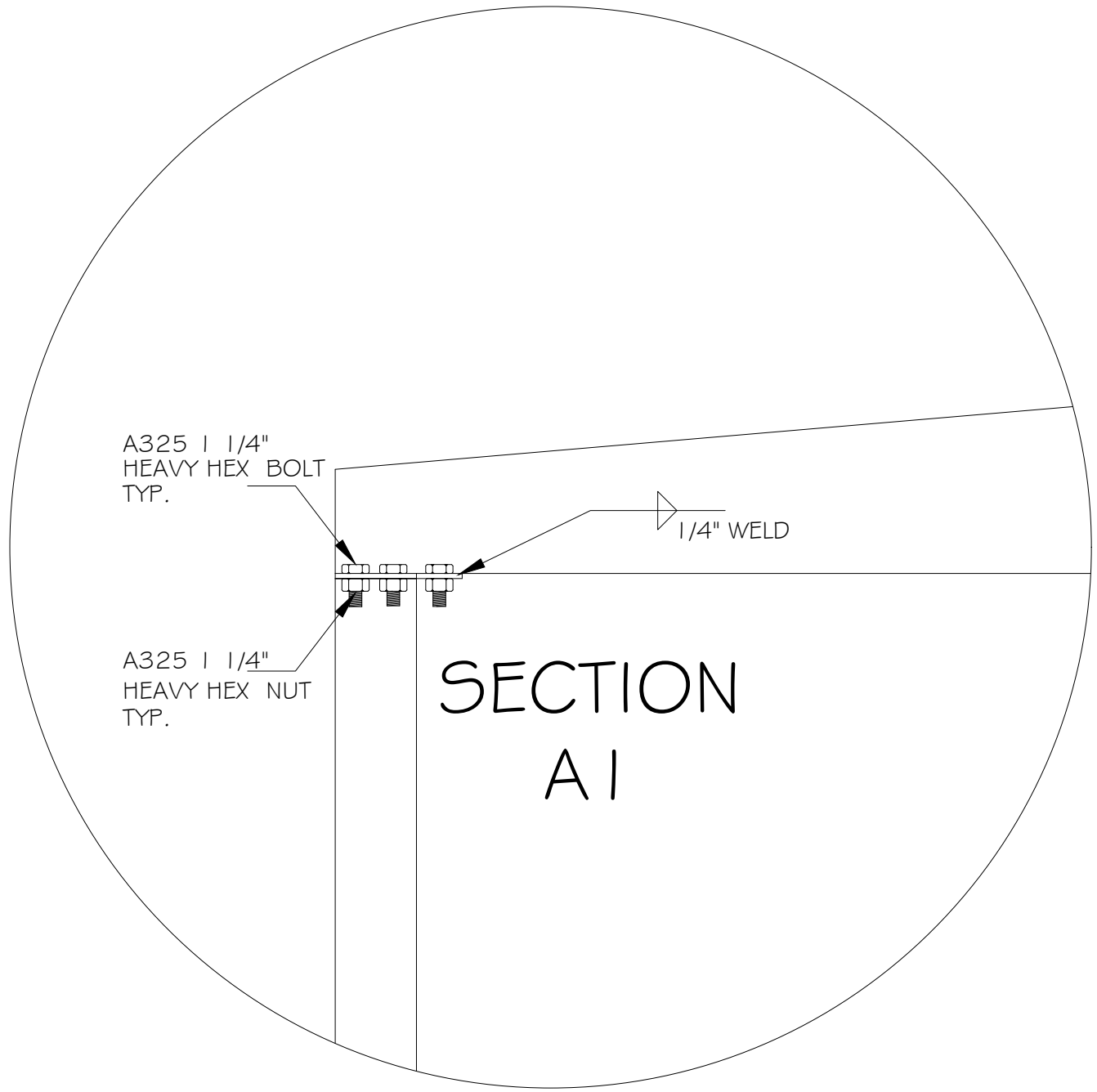
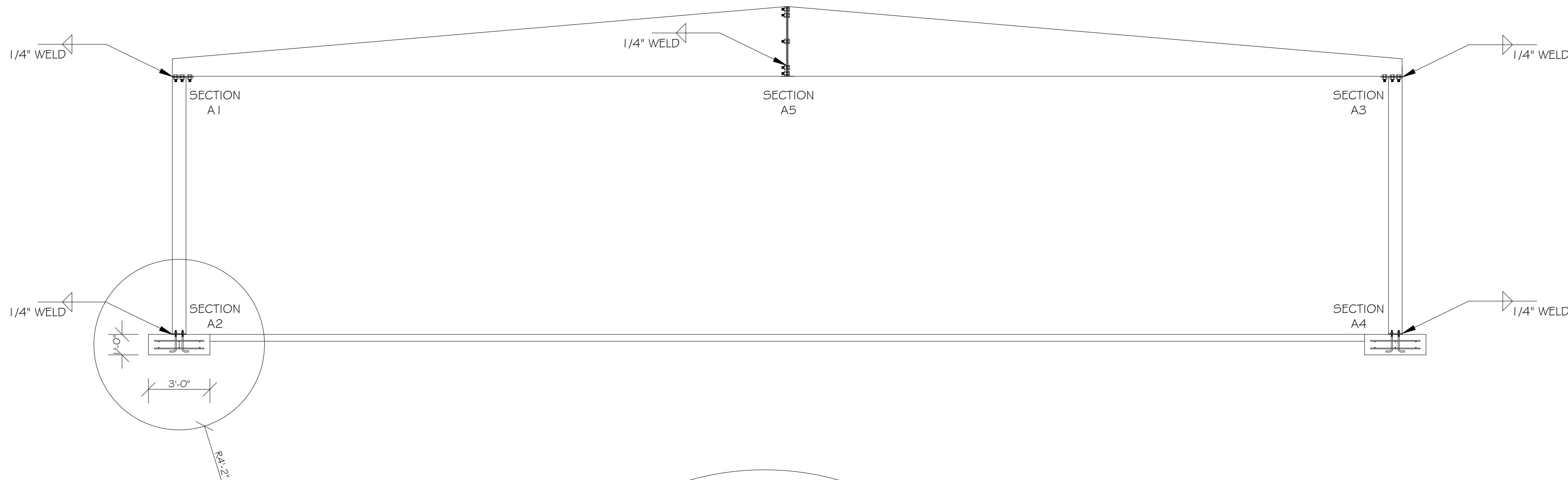
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DATE: 2/27/2020  
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SCALE: 1/4" = 1'0"  
TITLE: FRAMING PLAN  
Sheet Number:

5 of 6



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DRAWN BY: EJA  
SCALE: 1/4" = 1'0"  
TITLE: DETAIL DRAWINGS  
Sheet Number:

6 of 6

Sisn In Sheet, Community Mtg.

Wave house

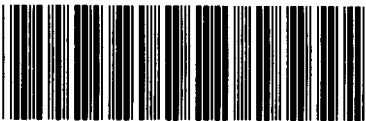
6/18/2020

## Address

1. Glenda Garrison	2527 Terry Ch Rd
2 John Garrison	Biscoe NC 27209
Steph Carmack	1048 Carriage Oaks Dr. catag
Dennis Spell	1048 Carriage Oaks Dr.
Debra Ensminger	1048 Carriage Oaks Dr.
Mariene Hernandez	105 W Auman rd
Lorena Hernandez	Biscoe NC, 27209

FOR REGISTRATION REGISTER OF DEEDS  
Judy D. Martin  
Moore County, NC  
March 17, 2015 11:03:28 AM  
Book 4464 Page 20-21  
FEE: \$26.00  
NC REVENUE STAMP: \$106.00  
INSTRUMENT # 2015003077

HM



INSTRUMENT # 2015003077

Excise Tax \$106.00	Recording Time, Book and Page
---------------------	-------------------------------

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Tax Lot No ..... Parcel Identifier No .....

Verified by ..... County on the ..... day of .....

by .....

Mail after recording to ...Russell J. Hollers, Attorney at Law, P.O. Box 567, Troy, NC 27371

This instrument was prepared by ... Russell J. Hollers, Attorney at Law, P.O. Box 567, Troy, NC 27371

(NO TITLE EXAMINATION)

Brief description for the Index: 24.321 acres, LESS 1.314 Acres, Bensalem Township, Moore County

---

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 5<sup>th</sup> day of March, 2015 by and between

GRANTOR

Jose O. Rebollar,  
By and through his Attorney-in-Fact,  
Maria Del Socorro  
and wife,  
Maria Del Socorro, Individually

GRANTEE

Bentura Cervantes Rubio  
  
2602 McCallum Road  
Candor, NC 27229

Enter in appropriate block for each: name, address, and, if appropriate, character of entity, e.q. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and Assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee in fee simple, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, all of their right title and interest, all that certain lot or parcel of land situated in the Town of ....., Bensalem Township, Moore County, North Carolina and more particularly described as follows:

Being **Tract #1 containing 24.321 acres** (total), more or less, as shown on that map entitled "Survey for Ronald L. Henson," prepared by William C. Burrow, PLS L-2497, dated October 22, 2003 and recorded in Plat Cabinet 11 Slide 11, Moore County Registry, to which reference is made for a more complete description. This tract being all lands lying to the east of Tarry Church Road as shown on said map.

**THERE IS EXCEPTED** from the above described tract that land conveyed to Lorenzo Gonzalez Cruz et ux in Deed Book 3197 Page 109, Moore County Registry, and more particularly described as follows: Being Tract #3 containing 1.314 acres as shown on plat entitled "Level 1 Minor Subdivision for J-Bob Farm, Inc." dated February 13, 2005, prepared by Eugene M. Garner, PLS, L-3904, recorded in Plat Cabinet 12 at Slide 237 in the office of the Register of Deeds, Moore County, North Carolina.

All or a portion of the property herein conveyed \_\_\_\_\_ includes or  X  does not include the primary residence of a Grantor.



The property hereinabove described was acquired by Grantor by instrument recorded in **Book 3687, Page 335.**

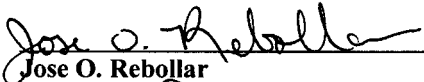
A map showing the above described property is recorded in **Plat Cabinet 11, Slide 11.**

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances hereto belonging to the Grantee in fee simple; and

The Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:


Easements and restrictions of record.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officer, the day and year first above written.



(SEAL)


Jose O. Rebollar



(SEAL)

Maria Del Socorro, Attorney-in-Fact

for Jose O. Rebollar



(SEAL)

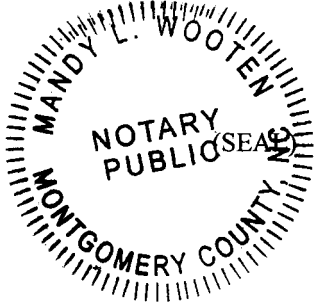
Maria Del Socorro, Individually

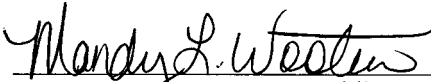
STATE OF NORTH CAROLINA  
COUNTY OF MONTGOMERY

I, Mandy L. Wooten, a Notary Public in and for said County and State, do hereby certify that , Maria Del Socorro, Attorney-in-Fact for Jose O. Rebollar, personally appeared before me this day and being by me duly sworn, says that she executed the foregoing and annexed instrument for and in behalf of the said Jose O. Rebollar, and that her authority to execute and acknowledge said instrument is contained in instrument duly executed, acknowledged, and recorded in Book 4464 at Page 17, Moore County Registry on the 13<sup>th</sup> day of March, 2015, and that this instrument was executed under and by virtue of the authority given by said instrument, granting her power of attorney; that Maria Del Socorro, acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of Jose O. Rebollar.

Witness my hand and notarial seal, this **5<sup>th</sup>** day of **March, 2015**.

My commission expires: **9-25-2016**



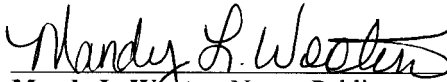


Mandy L. Wooten, Notary Public

(Print Name of Notary)

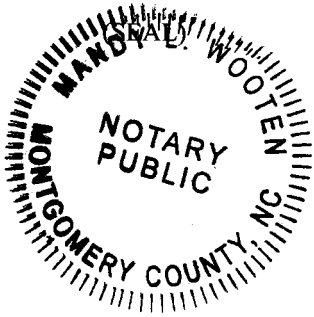
STATE OF NORTH CAROLINA  
COUNTY OF MONTGOMERY

I, Mandy L. Wooten, a Notary Public of Montgomery County, State of North Carolina do certify that on this **5<sup>th</sup>** day of **March, 2015**, before me personally appeared Maria Del Socorro, Individually, proved to me by satisfactory evidence to be the persons whose names are signed on the preceding or attached record, and acknowledged that they signed it voluntarily for its stated purpose.



Mandy L. Wooten, Notary Public

My commission expires the **25<sup>th</sup>** day of **September, 2016**.



**MEMORANDUM TO THE PLANNING BOARD**

**FROM:** Debra Enslinger  
Planning & Transportation Director

**DATE:** May 21, 2020

**SUBJECT:** Conditional Rezoning Request: Residential Agricultural (RA) to  
Neighborhood Business Conditional Zoning (B1-CZ) – Retail  
(Firearms and Accessories Sales Facility)

**PRESENTER:** Debra Enslinger

**REQUEST**

Tim Blakely is requesting a Conditional Rezoning from Rural Agricultural (RA) to Neighborhood Business Conditional Zoning (B1-CZ) for a Retail / Fire Arms and Accessory Sales Facility, located on approximately 15,246 square feet an approximate 1.20 acre parcel, ParID 20090123, located at 1072 Stanton Hill Road, Cameron, owned by Timothy Blakeley and Jeanette Johnson Blakeley per Deed Book 3593 Page 1.

Public notification consisted of publishing a legal notice in the local newspaper for two consecutive weeks, notification by mail to adjacent property owners, and placing public hearing signs on the property.

**BACKGROUND**

The property is currently developed. There is an existing single family dwelling located on the property. The applicant is proposing to subdivide 15,246 square feet out of the 1.20 acre parcel for the proposed 30' x 50' Firearms and Accessory Sales Facility. The applicant plans to recombine an additional .16 acres into the remaining parcel with the existing single family dwelling in order to meet the minimum lot size requirement of 1 arce from ParID 00003371. Adjacent properties include a single family dwelling and undeveloped land.

The applicant does not wish to utilize screening on the west property line. The applicant feels the screening would be aesthetically disruptive to both the proposed 15,246 square feet parcel for the Firearms and Accessory Sales Facility and the remaining 1.01 acres parcel for the single family dwelling. The applicant expressed desire to have the business aesthetics of the proposed parcel for the Firearms and Accessory Sales Facility to flow with the applicant's single family dwelling parcel.

**COMMUNITY MEETING**

The community meeting was conducted at the Moore County Agricultural Center on June 18, 2020 between 6:30pm and 7:30pm. Adjacent properties were notified by certified return receipt mail, sent on June 5, 2020. Please refer to attached report for more details.

### **CONDITIONAL ZONING (CZ)**

Conditional rezoning affords a degree of certainty in land use decisions not possible when rezoning to a general district. Conditional Zoning Districts are established to provide for flexibility in the development of property while ensuring that the development is compatible with neighboring uses. Pursuant to NCGS 153A-342, conditional zoning districts requires the approval of a rezoning by the Moore County Board of Commissioners and approval of a site specific development plan allowing for the development of specific land uses.

Parallel conditional zoning districts are restricted to those uses (meaning either one or multiple uses) listed in the corresponding general use zoning district.

The request shall be in compliance with all relevant portions of the UDO, except that variations from these standards may be approved by the Board of Commissioners if the site plan is submitted and determined to be suitable for the request, is consistent with the intent of the standards, and ensures compatibility with land uses on surrounding properties.

Specific additional conditions applicable to the rezoning request may be proposed by the applicant, the Planning Board, or Board of Commissioners. Only those conditions mutually approved by the county and the applicant may be incorporated into the permit requirements. If a proposed condition is unacceptable to the owner, the petition can be withdrawn and the proposed rezoning cannot go forward. Likewise, if a condition is unacceptable to the Board of Commissioners, the petition can be denied and there is no rezoning.

Per NCGS 153A-342(B), conditions and site-specific standards shall be limited to those that address the conformance of development and use of the site to County ordinances and officially adopted plans and those that address the impacts reasonably expected to be generated by the development or use of the site.

### **ZONING DISTRICT COMPATIBILITY**

The adjacent properties are zoned Rural Agricultural (RA). The requested rezoning to Neighborhood Business Conditional Zoning (B1-CZ) for a Retail / Firearms and Accessories Sales Facility is not consistent with the Rural Agricultural (RA) zoning district.

### **CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN**

The future land use map identifies the property as Rural Agricultural Land Use Classification. The requested zoning to Neighborhood Business Conditional Zoning (B1-CZ) for a Retail / Firearms and Accessories Sales Facility is not compatible with the Rural Agricultural Land Use Classification.

The Land Use Plan states the primary use of land in the Rural Agricultural Land Use Classification is to support rural residential life associated with agricultural uses (e.g. row crops, forestry, horticulture, grazing, poultry, dairy, swine operations, and intensive agricultural uses in certain areas) and other rural activities. Major subdivisions of land are strongly discouraged; however, family subdivisions and subdivisions of four or less lots would be considered.

The Moore County Unified Development Ordinance states the Neighborhood Business (B-1) district provides for the development of commercial and service uses that serve community's



commercial needs, are accessible by residents from surrounding neighborhoods, and are of such nature so as to minimize conflicts with surrounding residential areas.

The site is located adjacent to the Moore County Rural Agricultural Land Use Classification, as indicated by the white color on the map below. Therefore if approved, staff recommends updating the Land Use Map to reclassify the site to the Commercial/Office/Retail/Institutional Land Use Classification.

The rezoning request is also consistent with several goals as included in the attached Land Use Plan Consistency Statement, including Recommendation 1.5: Encourage and support development of land use principles by ensuring Moore County's cultural, economical, and natural resources are considered appropriately, Recommendation 1.7: Support and promote local businesses, and Goal 3.1: Maximize accessibility among living, working, and shopping areas.

### **MOORE COUNTY FUTURE LAND USE MAP**



### **RECOMMENDATION**

Staff recommends the Moore County Planning Board make two separate motions:

**Motion #1:** Make a motion to adopt the attached Approval or Denial Moore County Planning Board Land Use Plan Consistency Statement and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341.

**Motion #2:** Make a motion to recommend approval or denial to the Moore County Board of Commissioners of the Conditional Rezoning from Rural Agricultural (RA) to Neighborhood Business Conditional Zoning (B1-CZ) for a Retail / Firearms and Accessories Sales Facility, located on approximately 15,246 square feet an approximately 15,246 square feet an approximate 1.20 acre parcel, Par ID 20090123, located at 1072 Stanton Hill Road, Cameron, owned by Timothy Blakeley and Jeanette Johnson Blakeley.

### **ATTACHMENTS**

- Pictures of Property and Adjacent Properties
- Vicinity Map
- Land Use Map
- Rezoning Map
- Submitted Rezoning Application
- Submitted Site Specific Development Plan
- Planning Board Consistency Statement – Approval
- Planning Board Consistency Statement – Denial
- Community Meeting Report
- Deed Book 3593 Page 1

### **View of subject property from Stanton Hill Road**





**View of subject property from Stanton Hill**



**Property across subject property - 1179 Stanton Hill Road**





**View of northbound Stanton Hill Road**



**View of southbound Stanton Hill Road**



**View of adjacent property - 1008 Stanton Hill Road**





Vicinity Map



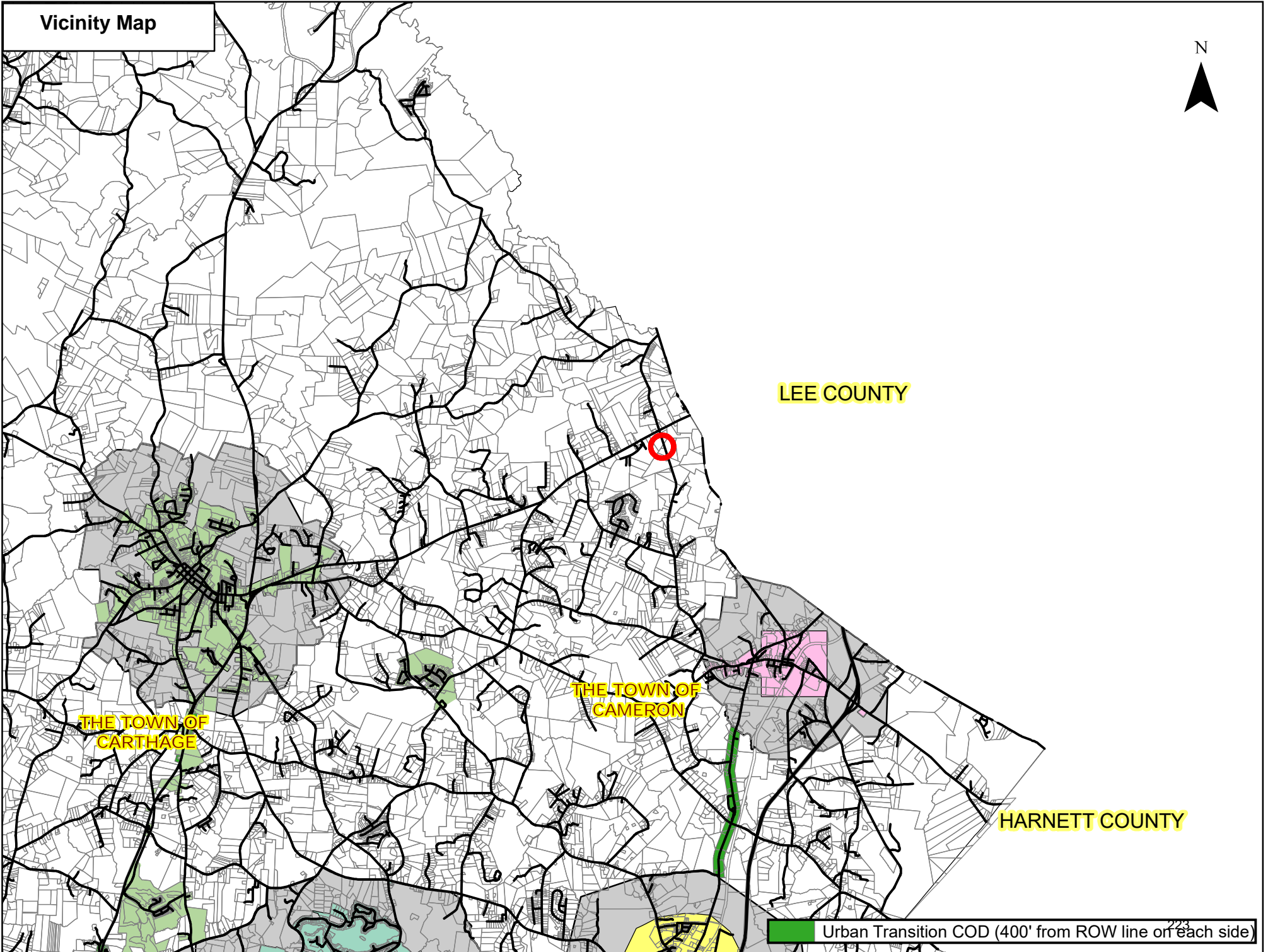
LEE COUNTY

HARNETT COUNTY

THE TOWN OF  
CARTHAGE

THE TOWN OF  
CAMERON

Urban Transition COD (400' from ROW line on each side)





Land Use Map



Undeveloped

Manufactured  
Home

Single Family  
Dwelling

Undeveloped

Single Family  
Dwelling



Zoning Map

B-1

B-1

US 15-501

STANTON HILL

Shaded area requested  
to be rezoned to B-1-CZ

RA

COLEY

# County of Moore Planning and Transportation



Inspections/Permitting: (910) 947-2221  
Planning: (910) 947-5010  
Transportation: (910) 947-3389  
Fax: (910) 947-1303

## Conditional Rezoning Application

Application Date: May 15, 2020			
Address of Property: 1072 Stanton Hill Road, Cameron, NC 28326			
Applicant: Timothy Blakeley		Phone: C: 910-690-5333	
Applicant Address: 1072 Stanton Hill Road	City: Cameron	St: NC	Zip: 28326
Owner: Timothy David Blakeley / Jeanette Johnson Blakeley		Phone: H: 910-947-1525	
Owner Address: 1072 Stanton Hill Road	City: Cameron	St: NC	Zip: 28326
Current Zoning District: RA	Proposed Zoning District: B1-CZ		
Current Use(s): None	Proposed Use(s): Firearms and accessories sales		
<p>Proposed rules, regulations, condition(s) for the proposed district that address the impacts expected to be generated by the development or use of the site:</p> <p><u>The proposed district will comply with rules, regulations, and conditions without any negative impact generated by the development or use of the site. Firearms will not be discharged outside on the property or inside the building.</u></p> <p><u>Bulk gunpowder, primers, etc., will not be sold. The sale of new and previously owned firearms will be regulated by Alcohol, Tobacco, and Firearms (ATF). The sale of accessories would include but not limited to factory ammunition, holsters, magazine pouches. Hours of operation will be Monday-Friday 8am-5pm and Saturday 9am-5pm. Adroit Defense, LLC; is a female and service-disabled veteran-owned small business.</u></p>			
<p>Statement of reasonableness of the proposed conditional zoning. The statement shall include, but not be limited to the following:</p> <ol style="list-style-type: none"> <li>1. The conditional rezoning compatibility with the County Land Use Plan and other adopted plans of the County.</li> <li>2. The conditional rezoning compatibility with the existing land uses on abutting and neighboring tracts.</li> <li>3. The benefits and detriments of the conditional rezoning for the subject property, neighboring properties and the surrounding community.</li> </ol> <p>The conditional rezoning is compatible with the County Land Use Plan:</p> <ol style="list-style-type: none"> <li>1. Adjoining property owner's approval of the conditional zoning;</li> <li>2. Maintains seamless aesthetic integration with adjoining properties and;</li> <li>3. Does not negatively affect properties while providing a needed service.</li> </ol> <p>The conditional rezoning will allow Adroit Defense, LLC; to meet public demand for defensive firearms and accessories but especially for females, disabled veterans, and public safety personnel. The business will specifically address the requirements of the female shooter, maintain 36-inch aisles throughout the store for wheelchair access, and offer safety items for first-responders.</p>			



I (We), the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests or information as designated by the County of Moore Zoning Administrator.

Timothy D. Blakeley 5/15/2020  
Applicant/Owner Signature Date

Jeanette J. Blakeley 5/15/2020  
Applicant/Owner Signature Date

Office Use Only:

PAR ID: 20090123

Brandon Thompson 5/15/2020  
Received By Date

Proposed Use of Property at 1072 Stanton Hill Road, Cameron NC 28326

May 15, 2020

The land at 1072 Stanton Hill Road, Cameron NC 28326 that is owned by Timothy David Blakeley and Jeanette Johnson Blakeley would have 1.01-acre RA and 0.35-acre (15,246 sq. ft.) B1 after the property division. Approximately 10% of B1 property would have impervious surfaces. The retail area is 900 sq. ft. with 3 parking spaces and 1 handicap parking space. The B1 property adjoining the Shader property will utilize Type 2 screening at this time. The property adjoining the Blakeley's RA property will not have screening per their request.

The proposed 30'x50' building will utilize a private sewer system. The building will utilize an existing county water connection located on the proposed B1 property that currently services the Blakeley's residence. The building's power will be supplied through an electrical service panel fed by an underground cable from Duke Energy.

The Blakeley's own Adroit Defense, LLC, a registered company with the State of North Carolina that is female owned and service-disabled veteran-owned. The company's primary business will be a storefront and online retail sales of firearms and accessories for personal defense. The company will *not* sell bulk gunpowder or other reloading supplies. The company will *not* manufacture firearms. The company will *not* provide gunsmithing services.

The business would be open six days a week. Monday through Friday from 8:00 a.m., until 6:00 p.m., and Saturday 9:00 a.m., until 5:00 p.m. The company's business model caters to any law-abiding person but especially females, disabled veterans, and first responders with a desire to protect themselves or others with a firearm. The facility will have an ADA public restroom in accordance with current regulations. The ADA accessibility will continue throughout the retail area.

*Information provided by:*

Timothy D. Blakeley  
1072 Stanton Hill Road  
Cameron, NC 28326  
H: 910-947-1525  
C: 910-690-5333  
Email: [tblakeley@adroitdefense.com](mailto:tblakeley@adroitdefense.com)

# SITE MAP

## NOTES:

- THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS RIGHT-OF-WAYS, AND AGREEMENTS OF RECORD PRIOR TO THIS PLAT.
- ALL PROPERTY LINES AND CORNERS ESTABLISHED USING EXISTING BOUNDARY EVIDENCE AND DEEDS AND PLATS OF RECORD IN MOORE COUNTY REGISTRY.
- ALL DISTANCES ARE HORIZONTAL GROUND.
- ALL ADJOINING PROPERTY IS ZONED RA.
- THERE IS NO NC GRID MONUMENTS WITHIN 2000' OF SUBJECT PROPERTY.
- PROPERTY SHOWN HEREON WILL BE SERVICED BY PRIVATE WELL AND SEPTIC.
- PROPERTY SHOWN HEREON LIES WITHIN A PUBLIC WATER SUPPLY WATERSHED. DEVELOPMENT RESTRICTIONS MAY APPLY.
- B1 PROPERTY WILL BE ON PRIVATE SEWER AND PUBLIC WATER.
- RA PROPERTY IS ON PRIVATE SEWER AND PUBLIC WATER.
- PROPOSED BUILDING FOR RETAIL SALE OF FIREARMS AND ACCESSORIES.
- RA 20' WIDTH DRIVEWAY GRANTED EASEMENT SHARED B1 PROPERTY.

I, TRAVIS L. NICKENS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED BOOK 3593, PAGE 01) THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN PLAT CABINET 14, SLIDE 652, THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:10,000. THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G. S. 47-30 AS AMENDED, WITNESS MY ORIGINAL SIGNATURE, AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A. D., 20\_\_\_\_.

TRAVIS L. NICKENS, PLS NO. L-4218



I, TRAVIS L. NICKENS, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY TO THE FOLLOWING:

THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

TRAVIS L. NICKENS, PLS NO. 4218

NOTE: ADDITIONS IN RED OR GREEN ADDED BY PROPERTY OWNER, TIMOTHY DAVID BLAKELEY.

## CERTIFICATE OF OWNERSHIP

I (WE) HEREBY CERTIFY THAT I (WE ARE) THE OWNER(S) OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF MOORE COUNTY, NORTH CAROLINA, AND THAT I (WE) FREELY ADOPT THIS PLAN OF SUBDIVISION.

OWNER

DATE

OWNER

DATE

## CERTIFICATE OF LEVEL 1 MINOR SUBDIVISION PLAT APPROVAL

I HEREBY CERTIFY THAT THE MINOR SUBDIVISION SHOWN ON THIS PLAT DOES NOT INVOLVE THE CREATION OF NEW PUBLIC STREETS OR CHANGE ANY EXISTING PUBLIC STREETS OR CHANGE IN EXISTING PUBLIC UTILITIES, THAT THE SUBDIVISION SHOWN IS IN ALL RESPECTS IN COMPLIANCE WITH THE SUBDIVISION REGULATIONS OF MOORE COUNTY, NORTH CAROLINA, AND THAT THEREFORE THIS PLAT HAS BEEN APPROVED BY THE SUBDIVISION ADMINISTRATOR, SUBJECT TO ITS BEING RECORDED IN THE MOORE COUNTY REGISTRY WITHIN SIXTY DAYS OF THE DATE BELOW.

SUBDIVISION ADMINISTRATOR

DATE

SURVEYORS ADDRESS:  
TRAVIS L. NICKENS  
159 NICKENS ROAD  
CAMERON, NC 28326  
(910) 215-3852

OWNERS ADDRESS:  
TIMOTHY BLAKELEY AND JEANETTE JOHNSON  
1072 STANTON HILL RD  
CAMERON, NC 28326

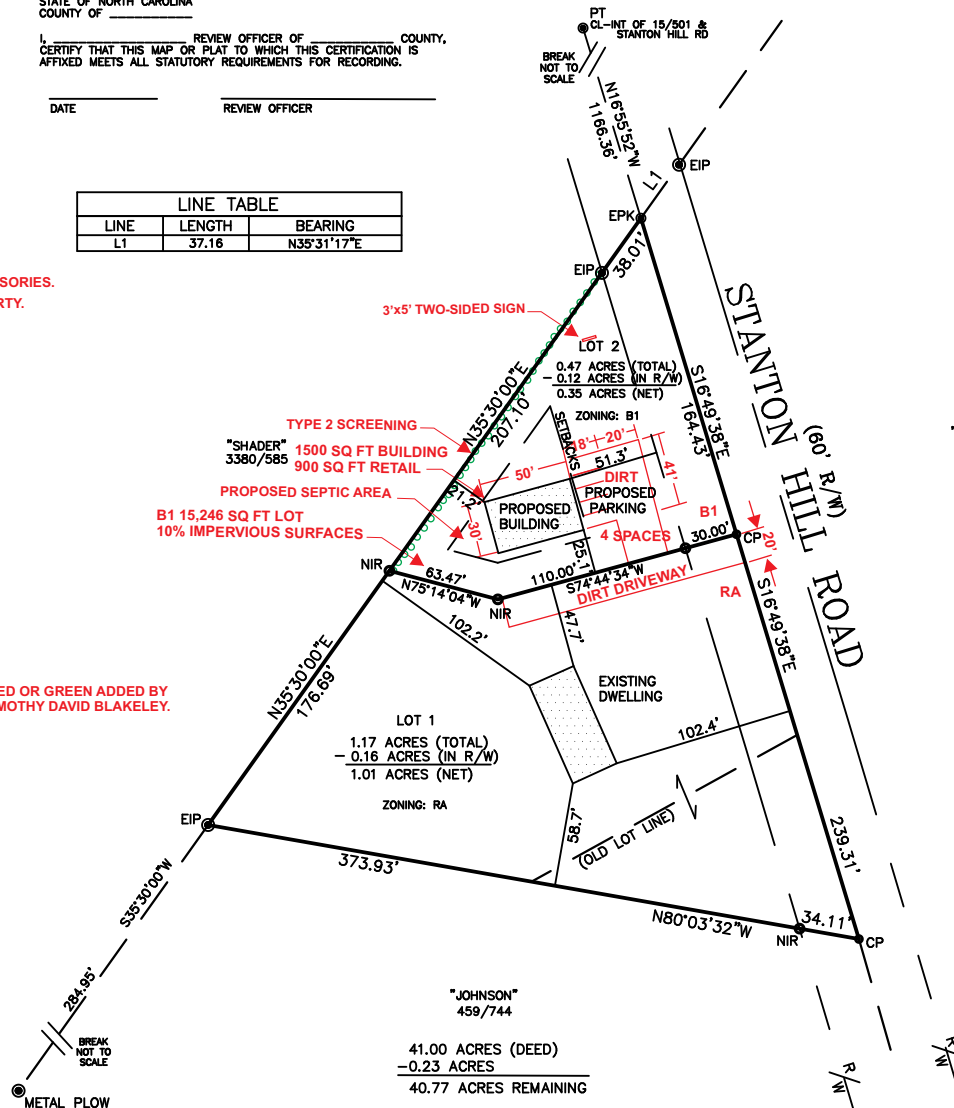
STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_ REVIEW OFFICER OF \_\_\_\_\_ COUNTY,  
CERTIFY THAT THIS MAP OR PLAT TO WHICH THIS CERTIFICATION IS  
AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE

REVIEW OFFICER

LINE TABLE		
LINE	LENGTH	BEARING
L1	37.16	N35°31'17"E



"JOHNSON"  
459/744

## LOCATION MAP (NTS)

REFERENCE: DEED BOOK 3593, PAGE 01,  
PLAT CABINET 14, SLIDE 652,  
MOORE COUNTY REGISTRY.

THIS MAP IS PREPARED FOR RECORDING  
IN ACCORDANCE WITH G.S. 47-30.

AREA DETERMINED BY COORDINATE METHOD.

RATIO OF PRECISION = 1/10,000

LRK #20090123

WATERSHED: WS-III-BW

ZONING: RA

## MIN. BLDG. SETBACKS:

FRONT = 40'  
SIDE = 15'  
REAR = 30'

ZONING: B1

## MIN. BLDG. SETBACKS:

FRONT = 50'  
SIDE = 15'  
REAR = 20'

## LEGEND

- EXISTING IRON PIPE (EIP)
- NEW IRON PIPE (NIP)
- EXISTING PK NAIL (EPK)
- NEW MAG NAIL (NMN)
- EXISTING IRON ROD (EIR)
- POINT (PT)

## CERTIFICATE OF APPROVAL FOR RECORDING

I CERTIFY THAT THE PLAT SHOWN HEREON COMPLIES WITH THE MOORE COUNTY WATERSHED ORDINANCE AND IS APPROVED BY MYSELF, AS AGENT FOR THE WATERSHED REVIEW BOARD FOR RECORDING IN THE MOORE COUNTY REGISTER OF DEEDS OFFICE.

WATERSHED ADMINISTRATOR OR DEPUTY

DATE

RECOMBINATION AND DIVISION FOR  
TIMOTHY BLAKELEY AND WIFE JEANETTE BLAKELEY  
1.17 ACRE PARCEL AND 0.47 ACRE PARCEL  
GREENWOOD TOWNSHIP, MOORE COUNTY,  
NORTH CAROLINA

MAY 3, 2020 SCALE 1" = 50'

0 50 100 150 200 250



**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**Conditional Rezoning Request**  
**Rural Agricultural (RA) to**  
**Neighborhood Business Conditional Zoning (B-1-CZ)**

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Recommendation 1.5: Encourage and support development and land use principles by ensuring Moore County's cultural, economical, and natural resources are considered appropriately.
- Recommendation 1.7: Support and promote local businesses.

Goal 3: Optimize the Uses of Land Within the County of Moore

- Recommendation 3.1 Maximize accessibility among living, working, and shopping areas.

2. Approval of the rezoning request is also deemed an amendment to the Land Use Plan Future Land Use Map by reclassifying the site to the Commercial/Office/Retail/Institutional Land Use Classification.

3. The rezoning request is reasonable and in the public interest due to the property is within 1000 feet of another property that is zoned Neighborhood Business (B-1).

Therefore, the Moore County Planning Board recommends **APPROVAL** of the Conditional Rezoning request from Rural Agricultural (RA) to Neighborhood Business Conditional Zoning (B-1-CZ), located on a portion of ParID 20090123, the total being approximately 15,246 square feet an approximately 1.20 acre parcel, located at 1072 Stanton Hill Road, Cameron.

---

Joe Garrison, Chair  
Moore County Planning Board

---

Date

**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**General Use Rezoning Request**  
**Rural Agricultural (RA) to**  
**Neighborhood Business Conditional Zoning (B-1-CZ)**

The Moore County Planning Board finds that:

1. The rezoning request is not consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Recommendation 1.5: Encourage and support development and land use principles by ensuring Moore County's cultural, economical, and natural resources are considered appropriately.
- Recommendation 1.7: Support and promote local businesses.

Goal 3: Optimize the Uses of Land Within the County of Moore

- Recommendation 3.1 Maximize accessibility among living, working, and shopping areas.

2. The rezoning request is not reasonable and not in the public interest considering the property is surrounded by the Rural Agricultural (RA) district.

Therefore, the Moore County Planning Board recommends **DENIAL** of the Conditional Rezoning request from Rural Agricultural (RA) to Neighborhood Business Conditional Zoning (B-1-CZ) located on a portion of ParID 20090123, the total being approximately 15,246 square feet an approximately 1.20 acre parcel, located at 1072 Stanton Hill Road, Cameron.

---

Joe Garrison, Chair  
Moore County Planning Board

---

Date

## CHAPTER 6

### TABLE OF USES

#### 6.1 Use Table

- A. Permitted Uses. P = Permitted uses are a use-by-right approved by the Administrator.
- B. Conditional Uses. C = Conditional Use Permit approval required. (Refer to Chapter 12.)
- C. Conditional Zoning. Z = Condition Rezoning within a parallel conditional zoning district required. (Refer to Chapter 11.)
- D. Building Code Classification.

The “Bldg. Code Group” column is intended for reference purposes only and is subject to change without notice. Classifications should be verified by the Building Inspector and should follow the regulations of the applicable “Use & Occupancy Classification” per the 2012 NC Building Code. Change of uses will require sealed plans to be approved by the Building Inspector.

A = Assembly	M = Mercantile
B = Business	R = Residential
E = Education	S = Storage
F = Factory Industrial	U = Utility & Miscellaneous
H = Hazardous	Mix = Mixed Uses (Separation standards may apply)
I = Institutional	

- E. Prohibited Uses. Blank = Districts in which particular uses are prohibited, unless the Administrator determines that the use is similar to an allowed individual use by applying the following criteria:
  1. The actual or projected characteristics of the activity.
  2. The relative amount of site area or floor space and equipment utilized.
  3. Relative amounts of sales from the activity and customer type for the activity.
  4. The relative number of employees and hours of operation.
  5. Building and site arrangement and likely impact on surrounding properties.
  6. Types of vehicles used, parking requirements, and vehicle trips generated.

When uncertainty exists, the Administrator, after consultation with the County Attorney, shall be authorized to make the interpretation.



<b>ACCESSORY USES &amp; ACCESSORY BUILDINGS</b>	<b>RA-20</b>	<b>RA-40</b>	<b>RA-2</b>	<b>RA-5</b>	<b>GCSL</b>	<b>GCWL</b>	<b>RE</b>	<b>RA-USB</b>	<b>RA</b>	<b>P-C</b>	<b>VB</b>	<b>B-1</b>	<b>B-2</b>	<b>I</b>	<b>Specific Use Standards</b>	<b>Bldg. Code Group</b>
Accessory Uses & Buildings	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.1	R, S, U

<b>AGRICULTURAL USES</b>	<b>RA-20</b>	<b>RA-40</b>	<b>RA-2</b>	<b>RA-5</b>	<b>GCSL</b>	<b>GCWL</b>	<b>RE</b>	<b>RA-USB</b>	<b>RA</b>	<b>P-C</b>	<b>VB</b>	<b>B-1</b>	<b>B-2</b>	<b>I</b>	<b>Specific Use Standards</b>	<b>Bldg. Code Group</b>
Agricultural Uses and Buildings (Not a Bona Fide Farm)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.2	U
Bona Fide Farm	"Bona Fide Farm" exemption status is obtained through the Moore County Planning Department.														8.3	S, U

RESIDENTIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
SINGLE FAMILY HOUSEHOLD																
Accessory Dwelling Located within Stick Built Dwelling	P	P	P	P			P	P	P						8.4	R
Accessory Dwelling Located within Non-Residential Building											P	P	P		8.5	Mix
Accessory Manufactured Home	P	P	P	P			P	P	P						8.6	R
Accessory Stick Built Dwellings	P	P	P	P			P	P	P						8.7	R
Dwellings, Single Family	P	P	P	P	P	P	P	P	P						8.8	R-3
Dwellings, Duplexes	P	P				P	P								8.9	R-3
Family Care Home (6 or less)	P	P	P	P	P	P	P	P	P						8.10	I, R
Home Occupation, Level 1	P	P	P	P	P	P	P	P	P						8.11	R
Home Occupation, Level 2			Z	Z			Z		Z						8.12	R
Manufactured Home	P	P	P	P			P	P	P						8.13	R-3
Manufactured Home Park									Z						8.14	Mix
Personal Workshop / Storage Building	P	P	P	P			P	P	P						8.15	R, S
Planned Unit Development – Mixed Use	Conditional Rezoning to PUD-CZ is required.														8.16	Mix
MULTIFAMILY RESIDENTIAL																
Group Care Facility									Z			C	P		8.17	I, R
Multifamily Dwellings (3 or more units per lot)	Conditional Rezoning to MF-CZ is required.														8.18	R-2
Nursing Home	C	C	C	C					C			P	P		8.19	B, I

COMMERCIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
ANIMAL SERVICES																
Animal Shelter									Z					P	8.20	B
Animal Training Facility, Military									Z					P	8.21	B
Kennels, Overnight									Z			Z	Z	P	8.22	B
Pet Day Care, Grooming, Obedience Training									Z		P	P	P		8.23	B
Veterinary Clinic							P		Z		P	P	P		8.24	B
OFFICES & GENERAL SERVICES																
Automatic Teller Machine (ATM)											P	P	P	P	8.25	U
Beauty / Barber Shop / Nail Salon						P					P	P	P		8.26	B
Bed and Breakfast	Z	Z	Z	Z				Z	Z						8.27	
Dry Cleaning and Laundromat						P					P	P	P	P	8.28	B
Equestrian Cottage							Z								8.29	
Hotel and Motel													P		8.30	R-1
Office											P	P	P	P	8.31	B
Small Appliance Repair Shop											P	P	P	P	8.32	B
Trade Contractor Office and Workshop											P	Z	P	P	8.33	B, S
COMMERCIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
RETAIL SERVICES																
Auction House												P	P	P	8.34	A-3, B
Convenience Store						P			C		P	P	P	P	8.35	M
Feed and Seed Sales							C		C			P	P	P	8.36	B, M
Florist									P		P	P	P	P	8.37	B
Flea Market									Z			Z	P		8.38	B, M
Garden Center											P	P	P		8.39	M, U
Manufactured or Modular Home Sales													P	P	8.40	B
Restaurant						P					P	P	P	P	8.41	A-2
Retail											P	P	P		8.42	M
Shopping Centers													Z	C	8.43	M
Wholesales											C		P	P	8.44	M

COMMERCIAL USES (CONTINUED)	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
VEHICLE SERVICES																
Boat & RV Storage					P						P		Z		8.45	S-1
Car Wash or Auto Detailing											P	P	P	P	8.46	B
Commercial Truck Wash												C	P	P	8.47	B
Parking Lot as principal use of lot											P	P	P	P	8.48	S-2
Taxi Service												Z	P	P	8.49	B, A-3
Vehicle, Auto Parts, Tires, Farm Equipment, Boat, RV - Sales, Rental, or Service											P	P	P	P	8.50	B, S-1
Vehicle Service Stations (Gas Stations)											Z	P	P	P	8.51	M
Vehicle Wrecker Service												Z	Z	P	8.52	S-1
ADULT USES																
Adult Gaming Establishments														C	8.53	B
Bars / Tavern											C		P		8.54	A-2
Brewery / Winery									C		P		P	P	8.55	A-2, F
Dance Club, Night Club, Billiard											Z		P		8.56	A-2, A-3
Distillery														P	8.57	F-1
Massage & Bodywork Therapy Practice, Unlicensed													P		8.58	B
Pawn Shop											Z		P	P	8.59	B
Sexually Oriented Business														Z	8.60	A-2, M
Tattoo Parlor, Body Piercing													P		8.61	B

EDUCATIONAL & INSTITUTIONAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Cemetery or Mausoleum, Commercial			C	C			C		C			P			8.62	n/a
Cemetery, Family	P	P	P	P	P	P	P	P	P						8.63	n/a
Child Care Facility	C	C	C	P		C	C	C	C		C	P	P		8.64	E, I
Child Care Home Facility	C	P	P	P			C	C	P						8.65	E, R
Colleges, Business & Trade Schools									C				P	P	8.66	B
Funeral Home, accessory crematorium											P	P	P	P	8.67	A-3, B
Government Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.68	B
Hospital	P	P	P	P	C	C	P	P	P	P		P	P	P	8.69	I
Museums and Art Galleries									C		P	P	P		8.70	A-3
Religious Institutions	P	P	P	P	P		P	P	P	P	P	P	P		8.71	A-3, E
Security Training Facility									C						8.72	B
Schools, Elementary, Middle, High												P	P		8.73	E



RECREATIONAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Accessory, Swimming Pool	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.74	A, R
Airport, Public or Private									C					Z	8.75	A-3, B
Airstrip, Small Private									C			P			8.76	B
Assembly Hall						Z			Z		Z		Z	P	8.77	A-4, A-5
Camp or Care Centers									P						8.78	A-3, R-1
Campground, Public and Private									P						8.79	A-3, R-1
Camp, Recreation Day									P						8.80	A-3
Civic / Social Club, Lodge, & Organization			P	P	C	C			C		P	P	P		8.81	A-2, A-3
Golf Driving Range					C	C				P			P		8.82	A-3
Golf Course, including Par 3					C	C				P			P		8.83	U
Marina (fuel supplies)					P	P									8.84	M
Neighborhood Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.85	U
Recreation, Indoor											C	C	P		8.86	A-5
Recreation, Low Impact Outdoor		P P	P	P	P	P	P	P	P		C	P	P		8.87	A-5
Recreation, High Impact Outdoor									Z		Z		P		8.88	
Shooting Range, Indoor									Z				P		8.89	A-5
Shooting Range, Outdoor									Z				P		8.90	A-5
Zoo, Petting Zoo									Z				P		8.91	A-5, U

INDUSTRIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
PRODUCTION																
Manufacturing, Light (no odors, no smoke)														P	8.92	F
Manufacturing, General														Z	8.93	F-1, F-2
UTILITIES / SERVICES																
Amateur Radio and Receive-only Antennas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.94	U
Contractors Storage Yard and Office									Z				P	P	8.95	S-1, U
Crematorium Facility													Z	P	8.96	B
Public & Private Utility Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.97	U
Solar Collector Facility														C	8.98	U
Solar Collectors, On-Site Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.99	U
Wireless Communication Facility									Z				Z	Z	8.100	U
Collocation on Existing WCF	P	P	P	P			P	P	P	P	P	P	P	P	8.101	U

INDUSTRIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
WAREHOUSING																
Mini-Warehouse (Self-Service)						P					Z	Z	P	P	8.102	S
Warehousing and/or Distribution Center									Z				C	P	8.103	S-1, S-2
WASTE RELATED SERVICES																
Debris Management Facility									Z			Z		P	8.104	U
Hazardous Waste /Toxic Chemicals Disposal or Processing														C	8.105	U
Landfill														C	8.106	U
Mining / Quarry Operation									Z					C	8.107	U
Salvage Yard														C	8.108	U

TEMPORARY USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Construction Office, Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.109	S-1
Drop-In Child Care Facility											P	P	P		8.110	
Itinerant Merchant											P	P	P	P	8.111	n/a
Land Clearing	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.112	F-1
Manufactured Home or RV, Temporary	P	P	P	P			P	P	P						8.113	R-3
Real Estates Office, Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.114	S-1
Temporary Events (Special Event)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.115	n/a
Yard Sales, Residential and Civic	P	P	P	P	P	P	P	P	P			P	P		8.116	n/a

OTHER USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Major Subdivision – Residential (1)	C	C						C							18.6-18.11	Mix
Major Subdivision – Non-Residential (Business Park)													C	C	18.6-18.11	Mix

## COMMUNITY MEETING REPORT

Thursday June 18, 2020 6:30 p.m. – 7:30 p.m.

Proposed Firearms and Accessory Sales Facility – 1072 Stanton Hill Road Cameron, NC

**Community Members Present:**

None present

**Applicant's Representative Present:**

Timothy Blakeley, Jeanette Blakeley

**Planning Staff Present:**

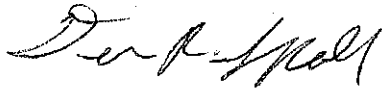
Debra Ensminger, Dervin Spell, Stephanie Cormack

The community meeting was opened at 6:30 pm. No adjacent property owners were in attendance. The meeting was attended only by the applicant's representatives and planning staff.

List of those notified of the Community Meeting (certified mailings to adjacent properties):

BLAKELEY, TIMOTHY DAVID & JEANETTE JOHNSON	SHADER, WILLIAM THOMAS & KATHLEEN ANN
JOHNSON, JAMES WAYNE & MARIE	

Submitted by,



Dervin Spell, AICP, CFM

Planner – Moore County Planning and Transportation



Community Mta

6/18/2020

1072 Stanton Hill Road

Name

Address

Sepp Cormack

1048 Carriage Oaks Dr. Cathage

Timothy Blakeley

1072 Stanton Hill Rd Cameron NE

Jeanette Blakeley

1072 Stanton Hill Rd Cameron NE

Debra Ensminger

1048 Carriage Oaks Drive Cathage

FOR REGISTRATION REGISTER OF DEEDS

Judy D. Martin  
Moore County, NC  
June 24, 2009 10:37:44 AM  
Book 3593 Page 1-2  
FEE: \$17.00  
INSTRUMENT # 2009009923

HM



INSTRUMENT # 2009009923

Instrument Prepared By: Hurley E. Thompson, Jr.  
Tax Address: 1072 Stanton Hill Road, Cameron, NC 28326

NORTH CAROLINA

WARRANTY DEED

MOORE COUNTY

THIS DEED, made and entered into this the 8th day of June, 2009, by and between **James Wayne Johnson and his wife, Marie Marsh Johnson**, (hereafter "GRANTOR"), - TO - **Timothy David Blakeley and his wife, Jeanette Johnson Blakeley**, (hereafter "GRANTEE");

## W I T N E S S E T H :

That the Grantor, in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable considerations paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged, has given, granted, bargained, sold and conveyed and by these presents does give, grant, bargain, sell and convey to the Grantee, his heirs, successors and assigns, all of that certain tract or parcel of land situate in Greenwood Township, Moore County, North Carolina, more particularly described as follows:

Being all of that certain 1.40 acres as shown on Plat entitled "Level 1 Minor Subdivision for Jeanette Blakely 1.40 acre parcel, Johnson Land, Greenwood Township, Moore County, North Carolina" prepared by Travis L. Nickens, RLS, dated May 6, 2009, appearing of record in the Office of the Register of Deeds in Plat Cabinet 14, Slide 652, to which record reference is hereby made for a more particular description.

This conveyance is subject to: (i) the Declaration of Restrictions and Covenants, if any, as the same may have been amended; (ii) such matters, provisions and reservations as are shown on the above plat, if any; (iii) the lien for ad valorem taxes or other assessments for the year of closing or conveyance; and (iv) utility easements of record.

TO HAVE AND TO HOLD the aforesaid described land with all privileges and appurtenances thereunto belonging or in anywise appertaining to the said Grantee, his heirs, successors and assigns, in fee simple forever.

And the said Grantor, for himself and his heirs, successors and assigns, covenants with the said Grantee, his heirs, successors and assigns, that he is seized of the said premises in fee and has the right to convey the same in fee simple; that the same is free

and clear from all encumbrances; and that he does hereby forever warrant and will forever defend the said title to the same against the claims of all persons whomsoever, except for the exceptions noted herein.

The designation "Grantor" and "Grantee" as used herein shall include the singular as well as the plural and the masculine, feminine or neuter gender may be read in either the masculine, feminine or neuter gender or a combination thereof as the context may require in order to accurately refer to the person or persons first named hereinabove as "Grantor" and "Grantee".

IN WITNESS WHEREOF the said Grantor, has hereunto set his hand or if corporate, has caused this instrument to be signed in the corporate name by its duly authorized officers by authority of its duly elected Board of Directors, the day and year first above written.

James Wayne Johnson  
James Wayne Johnson  
Marie Marsh Johnson  
Marie Marsh Johnson

NORTH CAROLINA

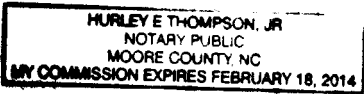
COUNTY OF MOORE

I, Hurley E. Thompson, Jr., a Notary Public of the County and State aforesaid, certify that James Wayne Johnson and his wife, Marie Marsh Johnson personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official seal, this 17<sup>th</sup> day of June, 2009.

[Signature] (SEAL)  
NOTARY PUBLIC

My commission expires: 2/18/14





## MEMORANDUM TO THE PLANNING BOARD

**FROM:** Debra Ensminger  
Planning & Transportation Director

**DATE:** May 20, 2020

**SUBJECT:** Unified Development Ordinance Text Amendments –  
Statutory Updates

**PRESENTER:** Debra Ensminger

### REQUEST

Moore County Planning Staff is requesting the following text amendments to the Moore County Unified Development Ordinance due to recent statutory updates per Session Law 2019-111 and Session Law 2019-79.

**Bold Text** – additions to the ordinance

~~Strikethrough Text~~ - deletions from the ordinance

1. AMEND Chapter 4 (Zoning Permits), Section 4.6 (Expiration), as follows:

Expiration. **Unless otherwise specified by statute**, once a zoning permit has been issued, all activities pursuant to such permit shall be **substantially** commenced within ~~6 months~~ **1 year of issuance**. **Unless provided otherwise by statute**, if the proposed moving, constructing, altering, repairing, or **other** use of land, as set forth in an application for a zoning permit, is **substantially commenced and the development work is intentionally and voluntarily** discontinued for a period of ~~4~~ **2** years or more **after commencement**, the permit **and vesting** shall ~~lapse~~ **expire** and be of no further force and effect.

REASON. Required by state statute (NCGS 153A-344(c) & (e), Session Law 2019-111)

2. AMEND Chapter 9 (Nonconforming Situations), Section 9.2 (Continuation), as follows:

Continuation. **Unless otherwise specified by statute**, legal nonconforming uses, buildings, structures, and signs may be continued until they are **intentionally and voluntarily removed**, discontinued, ~~dilapidated, or destroyed~~ **for a period of 2 years**. If a legal nonconforming use is **intentionally and voluntarily** discontinued, as evidenced by the disconnection of electrical or utility service for a period of ~~one year (365 days)~~, **2 years**, **the nonconforming use shall expire** and any future use of the building, structure, or land shall comply with the provisions of this

*UDO Text Amendments – Statutory Updates – Staff Report*

ordinance.

**REASON:** Required by State Statute (NCGS 153A-344(e), Session Law 2019-111)

3. AMEND Chapter 11 (Conditional Rezoning), Section 11.2 (Application Process), Subsection F (Additional Conditions), as follows:

Additional Conditions: Specific additional conditions applicable to the rezoning request may be proposed by the applicant, the Planning Board, or Board of Commissioners. Only those conditions ~~mutually~~ approved by the county and **consented to by** the applicant **in writing** may be incorporated into the permit requirements. **Unless the applicant consents in writing to the conditions, the conditions are not effective and the zoning may not include any conditions or requirements not otherwise authorized by law.** If a proposed condition is unacceptable to the ~~owner~~ **applicant**, the petition can be withdrawn and the proposed rezoning cannot go forward. Likewise, if a condition is unacceptable to the Board of Commissioners, the petition can be denied and there is no rezoning. Per NCGS 153A-342(~~Bb~~), conditions and site-specific standards **imposed in a conditional district** shall be limited to those that address the conformance of **the** development and use of the site to County ordinances and **an** officially adopted **comprehensive or other** plans-and those that address the impacts reasonably expected to be generated by the development or use of the site. **Additionally, the applicant must consent in writing to the conditions in order for those conditions to be effective.**

**REASON:** Required by State Statutes (NCGS 153A-342, Session Law 2019-111).

4. AMEND Chapter 12 (Conditional Use Permits), Section 12.2 (Application Process), Subsection C (Additional Conditions), as follows:

Additional Conditions: In accordance with NCGS ~~160A-388(e)~~ **153A-340(c1)**, in approving an application, the Board of Commissioners may ~~attach~~ **impose fair and reasonable and appropriate conditions and safeguards** to the approval which assure that the required findings are ~~upheld met~~. ~~Such conditions may include, but are not limited to, right of way or easement dedication, recreation or open space, buffer provisions, limitation in scale, intensity, hours of operation, and other reasonable restrictions.~~ **Conditions and safeguards imposed shall not include requirements for which the county does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by the county, including, without limitation, taxes, impact fees, building design elements within the scope of subsection NCGS 153-340(l), driveway-related improvements in excess of those allowed in NCGS 136-18(29) and NCGS 160A-307, or other unauthorized limitations on the development or use of land. Design restrictions may still be imposed in compliance with NCGS 153A-340(l) and NCGS 160A-381(h), which allow design restrictions for commercial and multi-family development, in historic districts, or with the voluntary written consent from the property owners.**

**REASON:** Required by state statutes (NCGS 153A-340(c1) & (l), NCGS 160A-307, NCGS 160A-381(h), Session Law 2019-111).

5. ADD Chapter 13 (Appeals & Variances), Section 13.1 (Administrative Appeals), Subsection F (Standing), as follows:

**Standing:** The following criteria are used to determine whether an individual has standing to bring civil actions for declaratory relief, injunctive relief or other remedies and joinder of complaint and petition for writ of certiorari in certain cases against administrative decisions in lieu of bringing an appeal to the board of adjustment under NCGS 160A-188(b1):

1. The person has ownership, leasehold, or easement interest in, or possesses an option or contract to; purchase the property that is the subject matter of a final and binding decision made by an administrative official charged with applying or enforcing a land development regulation.
2. The person was a development-permit applicant before the decision-making board whose decision is being challenged.
3. The person was a development-permit applicant who is aggrieved by a final and binding decision of an administrative official charged with applying or enforcing a land development regulation.

Subject to the limitations in the State and federal constitutions and State and federal case law, an action filed is not rendered moot if the party loses the relevant property interest as a result of the administrative action being appealed, and exhaustion of an appeal is required to preserve a claim for damages under NCGS 160A-393.1.

**REASON:** Required by State Statute (160A-393.1(c), Session Law 2019-111).

6. AMEND Chapter 13 (Appeals & Variances), Section 13.6 (Appeals to Court), as follows:

- A. **Quasi-Judicial Decisions.** Quasi-judicial decisions shall be appealed to Superior Court pursuant to Section 2.1(B).
- B. **Circumventing the Board of Adjustments.** Except as otherwise provided in this ordinance or other applicable law, a person with standing may bring an original civil action seeking declaratory relief, injunctive relief, damages, or any other remedies provided by law or equity in superior court or federal court to challenge the enforceability, validity, or effect of a local land development regulation for any of the following claims: the ordinance is unconstitutional; the ordinance is ultra vires, preempted or otherwise beyond statutory authority; or the ordinance constitutes a taking of property. When these issues are raised, appeals of administrative permit decisions, issuance of notices of violation, determinations of vested rights, and other administrative decisions may go straight to court. Appeals of ordinance interpretation must still go to the Board of Adjustment before being appealed to court. If an applicant



is appealing a notice of violation and disputes the fact of the violation (a question of fact, not a constitutional challenge or a question of statutory authority), that appeal still goes to the Board of Adjustment.

- C. **Administrative Decisions.** If the decision being challenged is an ordinance interpretation from the Administrator, the party with standing must first bring the appeal to the Board of Adjustment pursuant to NCGS 160A-388(b1) before being appealed to court. An adverse ruling from the Board of Adjustment may then be challenged in a court action brought pursuant to NCGS 160A-393.1(b) with the court hearing the matter de novo together with any other claims listed in NCGS 160A-393.1(b).
- D. **Time for Commencement of Action.** Any action brought pursuant to NCGS 160A-393.1 shall be commenced within 1 year after the date on which written notice of the final decision is delivered to the aggrieved party by personal delivery, electronic mail, or by first-class mail.
- E. **Fines Stayed During Appeal.** The accumulations of fines are stayed when a notice of violation or other enforcement order is appealed to the Board of Adjustment or Court. The enforcement of other actions appealed from is also stayed unless otherwise provided by statute.

**REASON:** Required by state statute (NCGS 160A-388(b1)(6), NCGS 160A-393.1(a)(b)(c) &(d), Session Law 2019-111).

- 7. MOVE Chapter 14 (Vested Rights), Section 14.2 (Valid Building Permit) to Section 14.3 and REPLACE & ADD Chapter 14 (Vested Rights), Section 14.2 (Development Permit), as follows:

**Development Permit:** Development permits for a building, use of a building, use of land, or subdivision of land establishes statutory vested rights. A development permit is valid for 1 year after issuance, unless otherwise specified by statute, and the applicant is vested in that permit for the term of validity. If the applicant fails to substantially commence authorized work within 1 year, then the development permit and vesting expire. With the substantial commencement of authorized work under a valid permit, vesting continues. The development permit and vesting also expire after substantial work commences if there is a 2-year period of intentional and voluntary discontinuance of work after commencement unless otherwise specified by statute.

**REASON:** Required by state statute (NCGS 153A-344(c) & (e), Session Law 2019-111).

- 8. MOVE Chapter 14 (Vested Rights), Section 14.3 to Section 14.4 (Site Specific Development Plans & Phased Development Plans, and AMEND as follows:

#### **Site Specific Development Plans & Phased Development Plans**

- A. **Applicability.** The ability of the applicant to obtain a vested right after County approval of a site specific development plan or a phased development plan presents an
- UDO Text Amendments – Statutory Updates – Staff Report*

appropriate balance between private expectations and the public interest, while also protecting the public health, safety, and welfare. A statutory vested right is a right established pursuant to NCGS 153A-344.1 to undertake and complete the development and use of a property under the terms and conditions of an approved site specific development plan or phased development plan.

- B. Vesting Established. Statutory vesting shall be deemed established with respect to any property on the same day upon the valid approval, or conditional approval, of a site specific development plan or a phased development plan, following notice and public hearing by the County.
- C. Site Specific Development Plan. A site specific development plan includes **but is not limited to** any of the following plans or approvals: a planned unit development plan, a preliminary major subdivision plat, a **preliminary or general development plan**, a conditional or special use permit, ~~or a conditional or special use district zoning district plan~~, or **any other land-use approval designation as may be utilized by a county**. For preliminary subdivision plats, the Administrator will advertise and schedule a public hearing following the same procedure used for conditional or special use permits.
- D. Phased Development Plan. A phased development plan includes any approvals for a phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan determined by the county to be a site specific development plan. The County may require the landowner to submit a site specific development plan for approval with respect to each phase or phases in order to obtain final approval to develop within the restrictions of the vested zoning classifications. ~~Multi-phased developments as approved and defined in NCGS 153A-344.1(b)(7) shall remain vested for a period of 7 years.~~
- E. Duration. The site specific development plan or phased development plan vested rights is valid for a minimum of 2 years from the date of approval. The Board of Commissioners may authorize the approval for a period not exceeding 5 years where warranted in light of all relevant circumstances including, but not limited to, the size and phasing of the development, **the level of investment, the need for development**, economic cycles, and market conditions. The vesting shall not be extended by any amendments or modifications to a site specific development plan unless expressly provided by the County.
- F. Termination. A vested right shall terminate:
  - 1. At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed;
  - 2. With the written consent of the affected landowner;
  - 3. To the extent that the affected landowner receives compensation for all costs, **expenses, and other losses incurred by the landowner**;
  - 4. Upon findings by the Board of Commissioners, by Ordinance after notice and a hearing, that the landowner or his representative intentionally supplied inaccurate

- information or made material misrepresentations which made a difference in the approval by the ~~approval authority~~ **County** of the site specific development plan; ~~or~~
5. Upon the enactment **or promulgation** of a State or federal law or regulation that precludes development as contemplated in the site specific development plan; **or**
  6. **Upon findings, by the Board of Commissioners, by ordinance after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan.**

**REASON:** Required by State Statute (NCGS 153A-344, Session Law 2019-111) Relocated Multi-Phase Development Plans to a separate section.

9. MOVE Chapter 14 (Vested Rights), Section 14.5 (Development Agreements) to Section 14.7 and REPLACE & ADD Chapter 14 (Vested Rights), Section 14.5 (Multi-Phased Developments), as follows:

### **Multi-Phased Development Plans**

**A multi-phased development is defined to be a development containing 25 acres or more to be developed in more than 1 phase and subject to a master development plan with committed elements showing the type and intensity of use of each phase. The entire multiphase development is vested at the time of site plan approval for the initial phase. The vesting is in the Ordinance regulations in place at the time of that initial approval, and the vesting lasts for 7 years from the initial approval.**

**REASON:** Required by state statutes (NCGS 153A-344, NCGS 153A-344.1, Session Law 2019-111).

10. MOVE Chapter 14 (Vested Rights), Section 14.4 to Section 14.6 (Permit Choice), and AMEND as follows:

- A. **Purpose.** ~~Per NCGS 153A 320.1 and 143 755, if a permit applicant submits a permit application for any type of development and a rule or ordinance changes between the time the permit application was submitted and a permit decision is made, the permit applicant may choose which version of the rule or ordinance will apply to the permit. If a development permit applicant submits a permit application for any type of development and a rule or ordinance is amended, including an amendment to any applicable land development regulation, between the time the development permit application was submitted and a development permit decision is made, the development permit applicant may choose which adopted version of the rule or ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application.~~
- B. **Expiration.** The permit choice rule may expire if an applicant delays. If an applicant puts a permit application on hold for 6 consecutive months or more, or if an applicant fails to



respond to the Planning Board and/or Board of Commissioners' requests for additional information for 6 consecutive months or more, then the application is discontinued. If the permit application is resumed, it will be reviewed under the rules in effect at that time.

- C. **Subsequent Development Permits.** If an applicant obtains an initial development permit, that permit triggers permit choice for subsequent development permits under the rules applicable at the time of application for the initial development permit. That protection continues for 18 months after the approval of the initial development permit. The applicant must be actively pursuing that original application to maintain the permit choice rights for other development regulations. The initial development permit cannot be a sign permit or erosion and sedimentation control permit.
- D. **Appeal.** Any person aggrieved by the local government failing to comply with the permit choice rule can seek a court order compelling compliance. The court will set down the action for immediate hearing, and subsequent proceedings must get priority from the court.

**REASON:** Required by state statutes (NCGS 143A-755, NCGS 160A-385(e), Session Law 2019-111).

11. MOVE Chapter 14 (Vested Rights), Section 14.5 to Section 14.7 (Development Agreement).

**REASON:** For the sections of Chapter 14 to be in proper sequence.

12. ADD Chapter 14 (Vested Rights), Section 14.8 (Appeal), as follows:

**Appeal:** Refer to Section 13.6 (Appeals to Court).

**REASON:** Required by state statutes (NCGS 160A-393.1(a)(b)(c) & (d), Session Law 2019-111).

13. ADD Chapter 18 (Subdivisions), Section 18.13 (Performance Guarantees for Major Subdivisions), Subsection B (Duration), as follows:

**Duration:** The initial term of the performance guarantee shall be one year unless the developer elects a longer term. When the financial instrument is a bond, the completion date for the bonded obligation shall be one year from the date the bond is issued, unless the developer elects a longer term.

**REASON:** Required by state statutes (NCGS 160A-372, Session Law 2019-79).

14. MOVE Chapter 18 (Subdivisions), Section 18.13 (Performance Guarantees for Major Subdivisions), Subsections as follows:

Subsection B to **Subsection C** (Release)

Subsection C to **Subsection D** (Extension)

Subsection D to **Subsection E** (Claim of Rights)

**REASON:** For the subsections of Section 18.13 (Performance Guarantees for Major Subdivisions) to be in proper sequence.

15. AMEND & ADD Chapter 19 (Definitions), Section 19.2 (Definitions) (Development, Development Permit, Land Development Regulation), as follows:

**Development:** ~~The act of bringing about growth, to construct or alter a structure, to make a change in use or appearance of land, to divide land into parcels, or to create or terminate rights of access.~~ **Development is defined to include:**

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- b. Excavation, grading, filling, clearing, or alteration of land.
- c. The subdivision of land as defined in G.S. 153A-335 or G.S. 160A-376.
- d. The initiation of substantial change in the use of land or the intensity of the use of land.

**Development Permit:** An administrative or quasi-judicial approval that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal, including any of the following:

- a. Zoning permits.
- b. Site plan approvals.
- c. Special use permits.
- d. Variances.
- e. Certificates of appropriateness.
- f. Plat approvals.
- g. Development agreements.
- h. Building permits.
- i. Subdivision of land.
- j. State agency permits for development.
- k. Driveway permits.
- l. Erosion and sedimentation control permits.
- m. Sign permit.

**Land Development Regulation.** Land development regulation is defined to be any State statute, rule, or regulation, or local ordinance affecting the development or use of real property, including any of the following:

- a. Unified development ordinance.
- b. Zoning regulation, including zoning maps.
- c. Subdivision regulation.
- d. Erosion and sedimentation control regulation.
- e. Floodplain or flood damage prevention regulation.
- f. Mountain ridge protection regulation.
- g. Storm water control regulation.
- h. Wireless telecommunication facility regulation.
- i. Historic preservation or landmark regulation.
- j. Housing code.

**REASON:** Required by state statutes (NCGS 143-755(e), Session Law 2019-111).

16. AMEND Chapter 19 (Definitions), Definition (Family), as follows:

~~**Family:** One or more individuals residing in a dwelling, living as a single housekeeping unit, and complying with the following rules:~~

- ~~a. Any number of individuals related by blood, marriage, or adoption may occupy a dwelling unit.~~
- ~~b. Where some or all of the occupants are unrelated by blood, marriage, or adoption, the total number of occupants that are unrelated, shall not exceed three. In applying this provision, children who are under the age of 23 and who are children of the owner or a person renting an entire dwelling unit from the owner shall be counted as a single occupant.~~
- ~~c. Where a reasonable accommodation has been approved.~~
- ~~d. The presence of household employees or children in foster care shall not disqualify any premises otherwise satisfying the above rules.~~

**Family:** One or more persons occupying a dwelling unit and living as a single household.

**REASON:** The current definition of “family” limits the number of unrelated person living as a family which contradicts the building code definition of dwelling unit” which is for one or more persons. Required by State Statute (153A-346, Section 202 of 2018 State Building Code, Session Law 2019-111).

### **CONSISTENCY WITH THE ADOPTED 2013 LAND USE PLAN**

The Planning Board Consistency Statement which speaks to Land Use Plan goals is included for the Board’s review and consideration.

### **RECOMMENDATION**

*UDO Text Amendments – Statutory Updates – Staff Report*



Staff recommends the Moore County Planning Board make two separate motions:

**Motion #1:** Make a motion to adopt the attached Moore County Planning Board Land Use Plan Consistency Statement (Approval) and authorize the Chairman to execute the document as required by North Carolina General Statute 153A-341.

**Motion #2:** Make a motion to recommend approval to the Moore County Board of Commissioners of the proposed text amendment to the Moore County Unified Development Ordinance.

#### **ATTACHMENTS**

- RLUAC (Regional Land Use Advisory Commission) Review Letter
- Planning Board Consistency Statement – Approval
- Planning Board Consistency Statement – Denial



## **MOORE COUNTY**

### **Proposed Text Amendments to the Unified Development Ordinance; Statutory Updates**

**June 19, 2020**

The Regional Land Use Advisory Commission (RLUAC) staff and Board of Directors have reviewed all the proposed statutory update text amendments for the Moore County Unified Development Ordinance and find no conflicts with the recommendations contained in the recently completed and adopted 2018 Fort Bragg Joint Land Use Study.

Thank you for allowing RLUAC the opportunity to review these proposed changes.

John K. McNeill, Chairman

Pete Campbell, Executive Director

**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**Text Amendment - Unified Development Ordinance**

The Moore County Planning Board finds that:

1. The text amendment request is consistent with the following goals in the 2013 Moore County Land Use Plan:

Goal 4: Provide Information and Seek Citizen Participation:

- Action 4.1.1: Continue to support and implement easy to understand guidelines to incorporate throughout governmental departments.

2. The text amendment is consistent with the Goals listed above due to the compatibility of land use goals supporting providing a transparent permitting process and straightforward standards and procedures.

3. The text amendment is reasonable and in the public interest because the ordinance has been updated to meet current statutory requirements and be more user-friendly for use by the general public and development community.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the text amendments to the Unified Development Ordinance, as proposed.

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Joe Garrison, Chair  
Moore County Planning Board

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Date



**Moore County Planning Board**  
**Land Use Plan Consistency Statement**  
**Text Amendment - Unified Development Ordinance**

The Moore County Planning Board finds that:

1. The text amendment request is not consistent with the 2013 Moore County Land Use Plan.
2. The proposed text amendment is not reasonable and not in the public interest because the proposed amendment will have an unreasonable impact on the surrounding community.

Therefore, the Moore County Planning Board recommends **DENIAL** of the text amendments to the Unified Development Ordinance, as proposed.

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Joe Garrison, Chair  
Moore County Planning Board

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Date